

The  
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JUSTIN WINSOR

JUSTIN WINSOR died at Cambridge, Massachusetts, on October 22, 1897, in the sixty-seventh year of his age. In him American history lost its foremost student, America lost its foremost librarian, and hosts of students, living in all parts of the country, lost a devoted friend whose unfailing knowledge was always at their disposal.

Even before entering college Winsor began the serious study of history, and during his Freshman year saw his first book through the press—a *History of Duxbury*, his ancestral town. His taste for this class of pursuits grew rapidly and he determined to devote his life to them. He soon thought out a scheme of note-taking and continued to accumulate memoranda, on the lines thus early laid down, for a period of nearly forty years—until within ten days of his sudden and untimely death. Ordinary antiquarian inquiries, the study of constitutional topics, and the elucidation of important problems in our political history had slight interest for him. On the other hand, bibliographical and cartographical details which bewildered most students only charmed him. Whenever a book having anything to do with American history passed through his hands he carefully noted everything new in it, and especially any reference to new material; whenever he handled a map of America or of any portion of it he remarked its peculiar features and illustrated his notes by a sketch. Once a week he arranged the memoranda collected during the week and filed them away in portfolios or in boxes; in later years he used many of them to annotate interleaved copies of his own works. All this he did by personal labor, for he always maintained that a historical student to accomplish anything of value must handle all the books and papers with his own hands. This method, persistently pursued through a long series of years, brought together a

mass of information not only unequalled in the annals of American historical labor, but already in suitable form for easy use.

The first opportunity to make an effective use of this information on a large scale occurred in connection with the editing of the *Memorial History of Boston*, which in the excellence of its illustration and in the richness of its bibliographical notes showed the hand of a master and opened a new field for American historical literature. This great work, in the beginning at least, was the conception of another, but the real editorial work was done by Winsor. The *Narrative and Critical History of America* was his own conception modified in an important point by the wishes of his publishers. Winsor's original design was a collection of critical essays on the sources of information, but in the plan as finally adopted the writer of each chapter stated his conclusions in the form of a narrative and generally left Winsor free to reinforce his leading points in a critical essay. This proved to be an exceedingly fortunate arrangement for all concerned. It enabled the editor to secure the services of many eminent and able men who had the knowledge, time, and patience to write a narrative, but who found the composition of a critical essay on the lines of the editor's own essays beyond their power or their time. In all such cases Winsor at once stepped into the gap and did all the bibliographical work himself or supplemented the work of his contributors. The fact that the book contained a history of America in a concise form combined with the reputation of many writers who contributed to it gave it a standing which a series of essays in bibliography would not have had; it made it possible to sell large numbers of the book, and in this way to place an authoritative and stimulating work within the reach of the mass of students of our history. The same general plan of interweaving narrative and critical bibliography was followed by Winsor in his later works, one of which, his *Columbus*, is the best example of its type that has yet appeared—and this quite apart from the strong opinions expressed by its author.

Of the value of Winsor's contributions to our historical literature and to the cause of historical study in our country, more especially of the study of American history, there can be no question: he made the scientific study of American history possible by making available the rich mines of material; he solved through the aid of cartography many problems which hitherto had been insoluble; he gave a stimulus to a generation of younger men to achieve distinction by scientific work in his chosen field; and he left behind him in his *Memorial History*, his *America*, and his *Columbus* the three best books of their classes yet produced in this country or elsewhere.

This notice, however, is designed to be critical, as we may be sure Winsor himself would have desired, and there were defects in his work and in his method which should be pointed out. In the first place the plan of his great work, the *America*, and his own interests as a student made inevitable an entire lack of perspective, since the proportions of the work depended in great measure on the cartographical and bibliographical material to be described. Furthermore, Winsor was distinctly a student of that portion of our history which came to a close with the ratification of the federal constitution; the bibliography of the later period was too disorganized to be treated as he wished to treat it, and he also thought that a sufficient amount of time had not yet elapsed to treat critically the history of this later epoch. In place of stopping his work at 1783 or 1788 he included in a portion of one volume the history of the United States from 1788 to 1850, but it cannot be said that he and his contributors more than touched the fringe of this vast and highly important subject. Moreover, there is almost nothing said of the bibliography and nothing of the history of the momentous epoch extending from 1850 to the close of the Civil War. The work also includes a volume devoted to American states other than our own, and this portion is distinctly disappointing.

No one could know Winsor intimately or work in the same field with him and fail to be impressed by his great liberality as far as difference of opinion on historical matters was concerned. A strong outspoken man with immense capacity for work, he was anxious to discover and to express the truth. He naturally held firm well-defined opinions upon almost all historical matters within his field of research; but there has seldom been a master who was more tolerant of the opinions of others. My own acquaintance with him began in a controversy as to the interpretation of a map; it was confirmed by a controversy over the application of a written description to certain well-known topographical features. Both of these topics were within his own peculiar province and every year for the last twelve years witnessed a renewal of the debate on one or other of these points—and our friendship strengthened every year during this whole time. Winsor enjoyed disputation on historical subjects and liked opposition when it seemed to him to be founded on a study of the sources. He fully recognized the right of other students to have opinions of their own. It was this tolerance of what he regarded as honest error that made him a most successful editor and made it possible for men of strong conviction to work with him through the course of the twelve volumes of his co-operative works. So far as my present information goes he never altered



a statement of fact or of opinion of one of his writers without that writer's active consent ; he printed their contributions as they wished them to be printed. His own opinions he expressed in very fine type in an "editorial note," which was sometimes inserted on the same page as the controverted assertion but was more often concealed amidst a mass of bibliographical detail at the end of the chapter. This frequently makes it exceedingly difficult to get a clear statement on a particular point ; but this is undoubtedly a great advantage, as the points over which these difficulties arise are precisely those on which it is impossible for historical students as a body to come to a definite conclusion. In the minor matter of the spelling of proper names and in the use of Old-Style or New-Style dates, this liberality worked badly, as each contributor pursued his own independent course while the editor did the same.

The qualities which made Winsor a great editor were largely administrative ; they contributed in no small degree to his success in the administration of the two large libraries with which he was associated. He chose his assistants with care, and having once chosen them he seldom interfered in their labors. He also had wonderful aptness for mechanical device and was entirely untrammelled by library traditions and methods, as he came to the Boston Public Library without any training in "library economy." As a librarian his important work was in liberalizing the relations of libraries to their users and to the reading public. While in Boston he lost no opportunity to make the resources of the Public Library better known ; as one means to this end he published his *Reader's Hand-Book of the American Revolution*, which remains to this day a model of compact and reasonable bibliographical statement. He came to the Harvard College Library at the moment when new methods of historical teaching were coming into vogue. He entered most heartily into the new movement and converted the library into a laboratory for those departments whose evidence consists mainly in printed matter.

Few students in our day have opened new avenues of learning ; but Winsor may fairly be said to have done so. He first systematically applied the evidence furnished by contemporary maps to the elucidation of difficult historical problems. He enjoyed peculiar advantages in this work ; he was a thorough scholar and an accomplished linguist ; every language of Western Europe was at his disposal, Dutch, German, French, Spanish, Portuguese, Italian ; and the same linguistic faculty enabled him to understand arguments based on linguistics and to interpret strange and uncouth words or at all events to seize upon flaws in other interpretations of them ; he was also an excellent and ready draughtsman and easily reproduced in



his notes important cartographical points. Long years of study combined with his historical and linguistic training made him a sure guide in cartographical controversies ; he always insisted, however, on the danger of ignorant and amateurish interpretations of maps, regarding them as perversions rather than interpretations. Of American cartography as a whole, Winsor's knowledge was pre-eminent ; in certain portions of the field he had exclusive information ; in other portions of the field other men had equal or superior knowledge.

Winsor was a most easy writer ; the mechanical operation of writing, which distresses so many persons, was a source of joy to him ; he liked to see the words flow from his ready pen. All his note-taking and manuscript writing he did himself with ordinary writing materials. He was also an extremely facile composer of most formidable sentences. His days between breakfast and dark were devoted to library work and note-taking ; his evenings to society and proof-reading ; his composition he did before breakfast, writing sheet after sheet and pasting notes here and there in the greatest profusion. His manuscript once made up was immediately despatched to the printer without any revision whatever ; and, as he also maintained that the truest form of historical expression was the bare statement of fact in bald language, the inevitable result of this headlong haste was that he frequently made statements which most men would have sent out under some less uncompromising form of words. Frequently the phrases chosen were not the most fortunate that could have been selected. Errors, too, in small matters, as names and dates, occurred and were perpetuated in the printed page ; for, relying on his wonderful memory, he did not systematically verify every title and date in proof.

Winsor was not only indefatigable in collecting information and in disseminating knowledge through the medium of printed books ; he opened his ample stores for the benefit of all persons who wished to draw from them. Although an exceedingly industrious man he was a most sociable man ; he liked to see other persons and to talk with them or, when this was not possible, to correspond with them. While at the Boston Public Library he trained himself to interruption, stopping his pen in the middle of a sentence instead of at the end. In this way he was able to take up the unfinished thought at once upon the departure of his visitor. It happened, therefore, that one no sooner appeared within the door of his room than his pen was laid aside and the inquisitor, whom many men would have dreaded, greeted with a cheery "Sit down." Whatever Winsor knew of American bibliography or of library methods was at his questioner's disposal ; if the desired information could not be given

at the library he looked up the point at his house, where his memoranda were kept, and at once sent a note to his questioner. Unknown inquirers from a distance received the same cordial attention and an enormous amount of time was devoted to answering them. He also had the reputation of a wide acquaintance with men and of being an excellent judge of them. His advice was constantly sought in the selection of librarians, authors, editors, secretaries, and teachers, and it was always cheerfully given; the number of persons who owe their present positions in part at least to his friendly counsel is very large.

As an historical editor, as a librarian, as a master of American historical cartography, as a student of the bibliography of American history, Justin Winsor was without a peer. Seldom has the world seen a firmer friend or a more generous opponent. His death leaves us without a person to turn to in one of the most important departments of our work.

EDWARD CHANNING.

## THE LIFE OF MEDIEVAL STUDENTS AS ILLUSTRATED BY THEIR LETTERS

THE early history of universities is one of the most interesting and fruitful of the many questions of origins with which historical science has in recent years been occupied. Through the efforts of Denifle and of others such as Kaufmann, Fournier and Rashdall, the subject of medieval universities has been lifted out of the realm of myth and tradition and placed upon a solid basis of established fact, so that, while many perplexing problems still remain unsolved, we can now trace with measurable confidence the main outlines of their early development. As yet, investigation has centred chiefly about what may be called the anatomy of the medieval university—its privileges and organization, its relations to king and pope, and similar questions—while much less attention has been given to its inner life and history or to the daily life and occupations of its students, topics manifestly of the greatest importance if we are to form an accurate and comprehensive idea of what a university of the Middle Ages really was. The life of medieval students is, however, a large and complex subject, exhibiting wide differences at different times and in different places, and no treatment of it will be in any sense adequate which does not rest on the detailed study and comparison of the conditions at each centre of learning and the changes they underwent at different periods.<sup>1</sup> Such an investigation demands the careful examination of a great variety of sources, literary, documentary and narrative, which are at present in large measure unpublished and whose value and interest for this purpose are by no means generally understood. The present article is designed to call attention to one class of these sources, student letters, and to point out how far they throw light on the academic conditions of their time.

The intellectual life of the Middle Ages was not characterized by spontaneous or widely diffused power of literary expression. Few were able to write, still fewer could compose a letter, and the professional scribes and notaries on whom devolved the greater part of the labor of medieval correspondence fastened upon the letter-

<sup>1</sup> On the proper methods to be followed in studying the history of medieval civilization, too often treated in a dilettante and uncritical fashion, see the excellent observations of Langlois in the *Revue Historique* (1897), LXIII. 246 ff.



writing of the period the stereotyped formalism of a conventional rhetoric. Regular instruction in the composition of letters and official acts was given in the schools and chanceries, and numerous professors, called *dictatores*, went about from place to place teaching this valuable art—"often and exceeding necessary for the clergy, for monks suitable, and for laymen honorable," as one rhetorician tells us.<sup>1</sup> Beginning with the latter part of the eleventh century we find brief manuals of epistolography in which definite rules of composition are laid down and the order and form of the various parts of a letter fixed.<sup>2</sup> According to the usual theory there 'should be five parts arranged in logical sequence. After the salutation—as to which the etiquette of the medieval scribe was very exacting, each class in society having its own terms of address and reply—came the exordium, consisting of some commonplace generality, a proverb, or a scriptural quotation, and designed to put the reader in the proper frame of mind for granting the request to follow. Then came the statement of the particular purpose of the letter (the narration), ending in a petition which commonly has the form of a deduction from the major and minor premises laid down in the exordium and narration, and finally the phrases of the conclusion.

The construction of a letter in accordance with this elaborate

<sup>1</sup> Albert of Samaria, in Rockinger, *Briefsteller und Formelbücher* (see below), 84.

<sup>2</sup> On medieval treatises on rhetoric and collections of forms in general (*artes dictaminis*, *summae dictaminis*, etc.), see Palacky, *Ueber Formelbücher, zunächst in Bezug auf böhmische Geschichte*, in *Abhandlungen der königlichen böhmischen Gesellschaft der Wissenschaften* (1842, 1847), fifth series, II. 219–368, V. 1–216; Wattenbach, *Ueber Briefsteller des Mittelalters*, *Archiv für Kunde österreichischer Geschichtsquellen*, XIV. 29–94 (and separately as *Iter Austriacum*); Rockinger, *Ueber Formelbücher vom dreizehnten bis zum sechzehnten Jahrhundert als rechtsgeschichtliche Quellen* (Munich, 1855); id., *Ueber Briefsteller und Formelbücher in Deutschland während des Mittelalters* (Munich, 1861); id., *Ueber die ars dictandi und die summae dictaminis in Italien*, *Sitzungsberichte of the Munich Academy*, 1861, I. 98, ff.; id., *Briefsteller und Formelbücher des elften bis vierzehnten Jahrhunderts*, in *Quellen und Erörterungen zur bayerischen und deutschen Geschichte*, IX.; Valois, *De Arte Scribendi Epistolas apud Gallicos Medii Aevi Scriptores Rhetoresque* (Paris thesis, 1880); Gabrielli, *L'Epistole di Cola di Rienzo e l'Epistolografia medievale*, in *Archivio della Società Romana di Storia Patria* (1888), XI. 379–479; Gaudenzi, *Sulla Chronologia delle Opere dei Dettatori Bolognesi*, in *Bullettino dell'Istituto Storico Italiano*, XIV. 85–174; Langlois, *Formulaires de Lettres du XII<sup>e</sup>, du XIII<sup>e</sup>, et du XIV<sup>e</sup> siècle*, in the *Notices et Extraits des MSS.*, XXXIV. and XXXV., 1890–1896 (five monographs on various medieval formularies; the author is also to publish a comprehensive study of the *artes dictaminis* composed in France and England in the Middle Ages).

Several treatises and formularies have been edited, especially in Germany, where the most active investigator in this field at present is Dr. Simonsfeld, of the University of Munich; but an enormous number still remain unpublished. There is a bibliography in Oesterley, *Wegweiser durch die Literatur der Urkundensammlungen*, I. 7–18 ("bibliographie incomplète et confuse mais qui n'en rend pas moins des services"—Giry); see also the appendix to Rockinger, *Ueber Formelbücher*. An excellent brief survey of the subject is given by Bresslau, *Handbuch der Urkundenlehre*, I. 624–645.

scheme was, however, possible only for those who had attained some proficiency in the epistolary art; for the ordinary man the writing of a letter meant, not the composition of an original epistle of his own, but the laborious copying of a letter of some one else, altered where necessary to suit the new conditions. It is in this way that the greater part of medieval correspondence has come down to us, preserved not as personal mementoes or sources of historical information, but as models for future letter-writers. Frequently these models would be copied and added to until they grew into considerable collections, which might find use as independent compilations of forms or be joined as illustrations to the various current treatises on the art of composition. It must not be supposed that all of the letters contained in these useful collections were actual pieces of correspondence. The authors of rhetorical manuals did not hesitate to compose models of their own or to incorporate exercises of their pupils, possible letters, but not actual ones, and they needed to make large use of such inventions when they proposed, as did many, to provide "complete letter-writers" containing examples suited to every station and condition in life. Where real letters were used the names were often omitted or altered beyond recognition, while sometimes bits of pure fancy—letters to or from Venus, Lent, Rhetoric, the Devil, and similar personages<sup>1</sup>—would find their way into these strange compilations.

It is evident that the collections of letters which have come down to us from the Middle Ages differ widely in character and contents and, consequently, in the nature of the information they afford the historian. The correspondence of known individuals has obviously a very different value from a series of anonymous or invented models, and the difficulty of distinguishing the real from the fictitious is one reason for the relatively small use that has been made of these formularies. While, however, the student of diplomatics in his search for authentic and datable acts cannot exercise too great caution in utilizing material of this sort,<sup>2</sup> the danger to the student of social conditions is much less. To him a possible letter may yield as valuable information as an actual letter, provided he can

<sup>1</sup> See the interesting paper of Wattenbach, *Ueber erfundene Briefe in Handschriften des Mittelalters besonders Teufelsbriefe*, in the *Sitzungsberichte* of the Berlin Academy, 1892, 91-123. Exercises of this sort occur frequently; several are mentioned by Valois, 43, from MS. Lat. 1093 of the Bibliothèque Nationale, and examples may be seen in Wattenbach, *Iter Austriacum*, 92; *Fontes Rerum Austriacarum*, second series, XXV. 466; *Rendiconti dei Lincei* (1888), IV. 2. 404; *Oxford Collectanea*, I. 42-49.

<sup>2</sup> On this question, and particularly on the necessity of examining each collection as a whole before utilizing any of the documents it contains, see Wattenbach, *Iter Austriacum*, and *Ueber erfundene Briefe*; Pflugk-Hartung, in *Forschungen zur deutschen Geschichte*, XXIV. 198; Delisle, *Catalogue des Actes de Philippe-Auguste*, xxx.

satisfy himself as to the place and time of its composition and the good faith of its author. He will not seek in these formulae trustworthy details of biography or of political history, but he may well expect them to reflect faithfully, because unconsciously, the conditions of the age in which they were composed, and thus add to the stock of material, none too large at best, available for the history of medieval civilization. The models were written to be used; and the more closely they corresponded to the needs of the user the greater the popularity of the *dictator* and his manual. Most of all is this true in cases relating to student affairs, since the collections of forms and the treatises on rhetoric were generally put together in the schools and for the use of scholars—some of the most famous are directly connected with Orleans and Bologna—so that even where they were the product of direct invention they would be likely to represent correctly the life of the academic environment in which they arose.

The number of extant letters and forms of letters which concern the life of the medieval student is very great. Of the hundreds of formularies and collections of letters preserved in every large European library, probably the greater number contain some reference to student affairs, and several seem to have been composed with special regard to the needs of students and their parents. All kinds of schools and all parts of Europe are here represented: cathedral schools like Hildesheim<sup>1</sup> and Chartres,<sup>2</sup> lower schools like those of Arbois<sup>3</sup> and St. Denis,<sup>4</sup> and nearly all the important university centres—Bologna, Pavia, Padua, and Siena, Vienna and Leipzig, Prague and Erfurt, Oxford and Cambridge, Salamanca, Toulouse, Montpellier, Orleans and Paris. An exhaustive critical study of this mass of student correspondence is not at present possible, as the

<sup>1</sup> Sudendorf, *Registrum*, III. 30–36. Cf. the exercises from Worms, likewise of the eleventh century, in Pflugk-Harttung, *Iter Italicum*, 382–389.

<sup>2</sup> *Bibliothèque de l'École des Chartes*, 1855, 454 ff.; Wattenbach, *Iter Austriacum*, 44. The schools of Rheims are mentioned in a MS. of the Bodleian (Laud Misc. 569, f. 187) which contains a version of the treatise known as the *Aurea Gemma*: “Remensi studio legum—vel dialectice—alacriter et sane die noctuque adherere.” Rheims is here substituted for the Pavia of the original model of Henricus Francigena (cf. Pertz's *Archiv*, IX. 632; *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, romanistische Abtheilung, VII. 2. 66).

<sup>3</sup> *Bibliothèque Nationale*, MS. Lat. 8653A; a student's notebook of the fourteenth century from Arbois in Franche-Comté, containing, besides a collection of proverbs and a vocabulary (published by U. Robert in the *Bibliothèque de l'École des Chartes*, XXXIV. 33–46), a number of forms of correspondence composed about the year 1316. Some relate to the schools of Arbois, others to scholars from Besançon studying at Orleans.

<sup>4</sup> Letters in the same library, MS. Lat. 15131, ff. 177–189. According to Hauréau, *Notices et Extraits de quelques Manuscrits Latins*, IV. 267 ff., they were composed by the schoolmaster of St. Denis; some of them refer to Orleans.



greater part of it is still unpublished and many of the manuscripts have not been catalogued, while the sources of the various letters and the relations of the collections to one another have yet in most cases to be determined. The present inquiry has been restricted to printed works and to the manuscripts of Paris, Munich, London, and Oxford.<sup>1</sup> While absolute completeness cannot be claimed, even within these limits,<sup>2</sup> the material examined has been sufficient to make the results reasonably representative.<sup>3</sup>

<sup>1</sup> In one or two cases material has also been drawn from formularies preserved at Rouen and Troyes and from the *dictamina* of Wolfgang of Altaich in the Königliche Bibliothek at Berlin (MS. Lat. oct. 136). At Oxford it was necessary to confine investigation to the Bodleian, where very little was found; something more might perhaps be discovered in the libraries of the colleges.

<sup>2</sup> Particularly in the case of formularies subsequent to 1400, which exist in considerable numbers in German and Austrian libraries. These I hope at some future time to examine more thoroughly with reference to the light they throw on German universities in the fifteenth century.

<sup>3</sup> In order to present the results of the study in compact form, only the more significant letters are printed, and many of these only in extract. In general the quotations from manuscripts are published just as they stand in the original; the occasional emendations necessary to render a passage intelligible are noted wherever they have been made. If more than one MS. is mentioned, the text is that of the first. The MSS. of the Bibliothèque Nationale at Paris are cited simply as "MS. Lat."; in all other cases the name of the library is given.

The necessity for compression has prevented any extended discussion of the nature of the different formularies utilized, but the date and place have been noted in each instance. In the case of MSS. cited but once or twice this information is given in connection with the citation; some collections, however, are referred to so frequently that they can be most conveniently described once for all. They are:

Bernard de Meung, a *dictator* from the region of Orleans, author of an *Ars Dictaminis* of the close of the twelfth century, which is found in a great number of MSS., often with an appendix of models which vary in the different redactions, although the student letters are much the same throughout. See Langlois in the *Bibliothèque de l'École des Chartes* (1893), LIV. 225 ff.; of the MSS. that he enumerates on pp. 231-232, 795, I have examined *a-f, h-k, m-p*.

Rudolfus Turonensis, the supposed author of a *Summa Dictaminis* preserved in Munich Cod. Lat. 6911 and printed in part by Rockinger, *Briefsteller und Formelbücher*, 95-114, who assigns it to the close of the twelfth century. The student letters relate chiefly to Paris. The incomplete collection in MS. Lat. 14069, f. 181-204v., contains many of the same forms as the foregoing; the other models concern chiefly the diocese of Mainz and are of the first half of the thirteenth century. The date and authorship of the Munich MS. are to be discussed by Simonsfeld in a forthcoming publication of the Munich Academy.

Buoncompagno, professor at Bologna and author of numerous rhetorical works of which the *Antiqua Rhetorica*, composed in 1215, is the most important for student affairs. A partial list of MSS. will be found in Sutter, *Aus Leben und Schriften des Magisters Buoncompagno* (Freiburg i. B., 1894), 24; I have used Munich Cod. Lat. 23499; MSS. Lat. 8654, 7732, and 7731; and British Museum, Cotton MS. Vitellius C. VIII. The table of contents of the *Antiqua Rhetorica* is published by Rockinger, *Briefsteller und Formelbücher*, 133 ff.; cf. also *Mittheilungen des Instituts für österreichische Geschichtsforschung*, II. 225-264. On Buoncompagno's life and writings see the above mentioned monograph of Sutter, and particularly Gaudenzi in the *Bullettino dell'Istituto Storico Italiano*, XIV. 85 ff.

By far the largest element in the correspondence of medieval students consists of requests for money—"a student's first song is a demand for money," says a weary father in an Italian letter-writer,

Guido Faba, a younger contemporary and rival of Buoncompagno. On the chronology of his life and writings see Gaudenzi in the monograph just cited. The forms of Faba were less bizarre than those of Buoncompagno and hence were more widely copied and imitated; the collections which contain material on student affairs have been published as follows: *Dictamina Rhetorica* (1226-1227), in *Il Propugnatore*, new series, V. 1. 86-129, 2. 58-109; *Epistole* (1239-1241), *ibid.*, VI. 1. 359-390, 2. 373-389; *Parlamenti ed Epistole* (1242-1243), in Gaudenzi, *I Suoni . . . dell' Odierno Dialetto della Città di Bologna* (Turin, 1889), 127-160. I have also examined the copy of the *Parlamenti* in the British Museum, Add. MS. 33221, which Gaudenzi does not appear to have seen. The models of Faba form the basis of a collection of the fifteenth century from Salamanca in MS. Lat. 11386, ff. 55-60, and of a compilation from Orleans now at Avignon (MS. 831).

Ponce de Provence, author of a well-known *Summa de Dictamine*, to which is joined a collection of letters dedicated to the students of Orleans. There are two redactions, dated 1249 and 1252. I have used the following MSS.: MSS. Lat. 18595, 8653 (f. 1-212), 11385; Bibliothèque de l' Arsenal at Paris, MSS. 3807, 1132; British Museum, Arundel MS. 514, f. 54 (apparently the best text); Munich Cod. Lat. 22293, f. 278 (redaction made in Germany in the fourteenth century); Troyes, MS. 1556. There are brief extracts in Munich Cod. Lat. 16122, f. 11v.-16v.; other MSS. are in Arras (MS. 433), Vienna (MS. 2512), at the Laurentian in Florence (MS. 1545), and in the Archives of Aragon at Barcelona. The beginning of a version composed for the students of Toulouse is in MS. Lat. 11386, f. 13.

Laurentius of Aquileia (or rather from Cividale in the neighborhood of Aquileia—Loserth in *Neues Archiv*, XXII. 300) was one of the most prominent of the travelling rhetoricians of the type of Ponce de Provence. From his pompous addresses to students we learn that he visited Bologna, Naples, and Paris, while the models mention also Orleans and Toulouse. The student letters are rhetorical and commonplace and are generally adapted as well to one university as to another. I have used MSS. Lat. 11384 (f. 1-78v.), 14174 (f. 16v. and foll.), 14766 (ff. 108-122), 16253 (f. 5v.-26v.); British Museum, Harleian MS. 3593 (composed at Paris and dedicated to Philip the Fair).

The Formulary of Tréguier, composed in the diocese of Tréguier in lower Brittany about 1315 and now in the Bibliothèque Nationale (Nouv. Acq. Lat. 426). The letters relating to students at Orleans have been published by Delisle, *Le Formulaire de Tréguier et les Écoliers Bretons à Orléans*, in Volume XXIII. of the *Mémoires de la Société Archéologique et Historique de l'Orléanais* and separately; seven of them are reprinted by Fournier in the appendix to the third volume of his *Statuts et Privilèges des Universités Françaises*. See also the *Histoire Littéraire*, XXXI. 25-35.

MS. Lat. 8661, f. 95 and foll., succeeding a copy of Guido Faba and bearing the heading, "Quedam epistola de curtisia quesita a quodam canonico." The series of letters has to do chiefly with city affairs in the Romagna and the Marches toward the middle of the thirteenth century. This seems to be the collection alluded to by Gaudenzi, *Bullettino dell' Istituto*, XIV. 174, which he dates ca. 1245.

Bibliothèque de l' Arsenal, MS. 854. M. Ch. V. Langlois kindly called my attention to a number of student letters contained in this MS., ff. 217-244, dating from the early fourteenth century and relating to the University of Toulouse. They are preceded, ff. 214-216, by a group of letters from Orleans which belong to the close of the thirteenth century.

Munich Cod. Lat. 2649, ff. 34-53. A treatise ("De arte dictandi breviter et lucide . . .") with anonymous models belonging to the end of the thirteenth century and dealing principally with Thuringian affairs.

"and there will never be a letter which does not ask for cash."<sup>1</sup> How to secure this fundamental necessity of student life was doubtless one of the most important problems that confronted the medieval scholar, and many were the models which the *dictatores* placed before him in proof of the practical advantages of their art.<sup>2</sup> The letters are generally addressed to parents, sometimes to brothers, uncles, or ecclesiastical patrons—a much copied exercise contained twenty-two different methods of approaching an archdeacon on this ever delicate subject.<sup>3</sup> Commonly the student announces that he is at

<sup>1</sup> "Primum carmen scolarium est petitio expensarum, nec umquam erit epistola que non requirit argentum." Buoncompagno, *Antiqua Rhetorica*, in MS. Lat. 8654, f. 14v.; MS. Lat. 7732, f. 9v.; Munich Cod. Lat. 23499, f. 8v.

<sup>2</sup> There is a decided sameness in the contents of letters of this kind, and only the most interesting are given here. Examples of more commonplace types may be found in Rockinger, *Briefsteller und Formelbücher*, 71, 81, 372, 487; id., *Ueber Briefsteller*, 40; Guido Faba, *Dictamina Rhetorica*, I, 22, 24, 63, *Epistole*, 66 and 67, *Parlamenti ed Epistole*, 83; Delisle, *Le Formulaire de Tréguier*, Nos. 1, 12, 16, 19; Günthner, *Geschichte der literarischen Anstalten in Baiern*, I, 217, 230; Biondi, *Le Dicerie di Ser Filippo Ceffi* (Turin, 1825), 65. Cf. also the authentic letters of Gui de Bazoches from Montpellier, *Neues Archiv*, XVI, 76, 77.

The manner of constructing one of these letters may be seen by the following extract from an anonymous treatise in the British Museum (Add. MS. 18382, f. 59): "Assumatur ergo tale tema, quod quidam Parisius insistens studiis et nimis pauperrime vivens litteras dirigat matri sue ut in rebus necessariis sibi provideat. Assumendum est *proverbium* in hunc modum: Mater moribus redolet novercam que filii non sublevat egestatem. *Nar.*: Diu est quod Parisius studiis inservivi et nummos meos in usus necessarios iam expendi. *Petitio*: Mihi igitur necessaria propinetis et sic egestatem meam expensis minimis munere sublevetis. *Ultimum proverbium*: Domesticum est enim matri ut filio subveniat indigenti." A similar example is found in Munich Cod. Lat. 2649, f. 38v., printed in a slightly different form by Rockinger, *Ueber Briefsteller*, 40. See also Langlois, *Formulaires de Lettres*, IV, 14. The rhetorical elaboration of a simple letter of this sort is illustrated in Rockinger, *Briefsteller und Formelbücher*, 487.

This commonplace of medieval student existence is also treated in verse. See *Carmina Burana*, 50; *Anzeiger für Kunde der deutschen Vorzeit* (1873), XX, 8; and particularly the poetical *dictamina* of Mathieu de Vendôme, published by Wattenbach in the *Sitzungsberichte* of the Munich Academy for 1872, phil.-phil. Classe, 561-631, which contain much interesting information on the student life of the twelfth century. Another begging letter of the same author is in M. Haupt's *Exempla Poesis Latinae Medii Aevi* (Vienna, 1834), 31.

<sup>3</sup> Published by Bärwald in *Fontes Rerum Austriacarum*, second series, XXV, 455-464, from a fourteenth-century MS. in Vienna. The earliest occurrence of this exercise that I have found is in a treatise in the Bibliothèque Nationale, MS. Lat. 16252, ff. 39-41v., composed, it would appear from the names on f. 34v., between the years 1243 and 1249. Other copies are in MS. Lat. 14357, f. 129v. (fourteenth century), and Munich Cod. Lat. 5319, f. 182v. (fifteenth century).

Petitions to ecclesiastical dignitaries are usually either requests from students for benefices or petitions from beneficed priests for leave of absence for purposes of study, such leave to carry with it, of course, the enjoyment of the fruits of the living. Examples of such letters and the replies are common; e. g. Guido Faba, *Epistole*, 25, 26, *Dict. Rhet.*, 88, 89; *Fourth Report of Historical Manuscripts Commission*, 380, 394; *Codex Diplomaticus Silesiae*, V, 161; Langlois, *Formulaires de Lettres*, IV, 7; *Register of Archbishop Peckham* (Rolls Series), I, 3, 8; *Registrum Palatinum Dunelmense* (Rolls Series), III, 307.



such and such a centre of learning, well and happy but in desperate need of money for books and other necessary expenses. Here is a specimen from Oxford, somewhat more individual than the average and written in uncommonly bad Latin :<sup>1</sup>

"B. to his venerable master A., greeting This is to inform you that I am studying at Oxford with the greatest diligence, but the matter of money stands greatly in the way of my promotion, as it is now two months since I spent the last of what you sent me. The city is expensive and makes many demands; I have to rent lodgings, buy necessities, and provide for many other things which I cannot now specify. Wherefore I respectfully beg your paternity that by the promptings of divine pity you may assist me, so that I may be able to complete what I have well begun. For you must know that without Ceres and Bacchus Apollo grows cold."<sup>2</sup>

Sometimes the supplies needed—books and parchment, trousers, linen, bedding, etc.—are sought directly from home.<sup>3</sup> In an interesting set of letters written from Chartres at the beginning of the twelfth century and quite unspoiled by the phrases of the rhetoricians, we find two brothers asking their mother for thick lambs' skins for winter clothing, parchment for making a psalter, their father's great boots, and some chalk, good chalk, since theirs is

<sup>1</sup> The text of the formularies of the Middle Ages is frequently quite corrupt; in many cases it is clear that the copyists did not understand the meaning of what they wrote. Langlois, *Formulaires de Lettres*, V. 26, note.

<sup>2</sup> "Venerabili domino suo A., B. salutem. Noverit universitas vestra quod ego Oxonie studeo cum summa diligencia, sed moneta promocionem meam multum impedit. Iam enim due mense transacte sunt ex quos mihi misisti expendidi (!). Villa enim cara est et multa exigit; oportet hospicium conducere et utensilia emere et de multis aliis extra predicta que ad presens non possum nominare. Quare paternitati vestre pie suplico quatinus divine pietatis intuitu mihi succuratis, ut possim includere quod bene incoavi. Sciat quod sine Cerere et Bacone frigescit Apollo. Quare tum facite ut vobis mediantibus incoatum bene possim terminare. Vale." British Museum, Add. MS. 8167, f. 104 (collection dating from 1220 or soon after).

<sup>3</sup> "Linea mea vestimenta simul lectisternia, pro studii oportunitate a vobis mihi longe procurata, iam a vetustate temporis corosa tendunt annihilari," says a student at Vienna, and he asks for others, in order that "me honesto more cum ceteris bursalibus valeam conservare;" Munich Cod. Lat. 11799, f. 121 (fifteenth century). "Mutatoria accipelles" is the demand in the formulary of Hugh of Bologna (*Neues Archiv*, XXII. 300), while in the poetical *dictamina* of Mathieu de Vendôme (ed. Wattenbach, 624) the student begs:

"Delegare mihi mantilia, lintea, bracas  
Accelera, matrem talia dona decent."

The needs of a student at Paris are thus stated in a monastic letter-writer of the fourteenth century in the Bibliothèque de Troyes (MS. 1992, f. 67): "Parisiensis equidem scholaris non ad victum solum denariis indiget, sed ad multa, sicut libros emendos, ad exemplaria conducenda, ad pergamenum ceteraque necessaria que conveniunt ad notandum."

worth nothing.<sup>1</sup> A Vienna student who writes to his father N., citizen of Klosterneuburg, that he has spent his money for books and other things that pertain to learning, receives in reply "by this present messenger ten Rhenish gulden, seven ells of cloth for a cloak, and one pair of stockings."<sup>2</sup>

If the father was close-fisted, there were special reasons to be urged: the town was dear—as university towns always are!—the price of living was exceptionally high owing to a hard winter,<sup>3</sup> a siege,<sup>4</sup> a failure of crops,<sup>5</sup> or an unusual number of scholars;<sup>6</sup> the last messenger had been robbed<sup>7</sup> or had absconded with the money;<sup>8</sup>

<sup>1</sup> *Bibliothèque de l'École des Chartes*, 1855, 454–455. Cf. Clerval, *Les Écoles de Chartres au Moyen Âge* (Chartres, 1895), 194, 195, 216–218. The elder brother, Arnaud, was dean of the chapter, and the younger, Jacques, was studying in the cathedral school.

<sup>2</sup> "Dem allerliebsten so ich in auf erden hab, dem N. purger zu Newburg. . . . Das gelt das ir mir geben habt, das hab ich nun vertzert und hab mir auch davon pücher gekauft und auch ander ding das zu der lernung gehört. . . ."

"Meinem hertzen lieben Sun N., studenten zu Wien. . . . Darumb, lieber Sun, sende ich dir pei disem gegenwartige poten x gulden reinisch und vii ellen tuch zu einem mantl und j parhosen." Munich Cod. Lat. 11799, ff. 4–5 (a brief collection of German *dictamina*, ca. 1447).

<sup>3</sup> "Pro yemali frigore magis expendidi." British Museum, Harl. MS. 4993, f. 19 (a brief treatise, with examples, by an Oxford scholar, Thomas Sampson, dating in its present form from 1420 or thereabouts).

<sup>4</sup> "Cum propter imperatoris adventum, quem Bononienses trepidanter expectant, Bononia facta sit cara in victualibus ultra modum." Guido Faba, *Epist.* 6. Cf. Thymon of Erfurt in British Museum, Arundel MS. 240, f. 123. So a foreign student in France asks for money at once because none can reach him after Easter, when war with England is to begin. Munich Cod. Lat. 96, f. 38v.

<sup>5</sup> "Per grandinem et per alias tempestates importunas annone per totam Thuringiam (MS. Thuringia) perierunt, ex quo caristia invaluit satis magna." Munich Cod. Lat. 1466, f. 71v. (Letter from Erfurt in a Silesian formulary of the fourteenth century. Cf. Unterlauff in *Zeitschrift für Geschichte und Alterthum Schlesiens*, XXVII. 310 ff.)

<sup>6</sup> So at Laon early in the twelfth century, according to the letter of an Italian student, "multis clericis Laudunum adventantibus, vix inveniri valde cara poterunt." *Bibliothèque de l'École des Chartes*, 1855, 466. A similar statement regarding Paris toward the close of the twelfth century is in Pez, *Thesaurus Anecdotorum*, VI. 1. 427. In the *Dictamina Rhetorica* of Guido Faba, 38, the citizens of Bologna are accused of concealing the abundance which God has given them and thus creating an artificial scarcity.

Uncommon dearness is a frequent excuse and comes from every quarter. Thus, besides the passages just cited, we find for Bologna Guido Faba, *Dict. Rhet.*, 1; for Paris Laurentius of Aquileia in MS. Lat. 16523, f. 16, and Rockinger, *Briefsteller und Formelbücher*, 961; for Toulouse, Laurentius in MS. Lat. 11384, f. 44, and MS. Lat. 14174, f. 26v.; for Vienna, Munich Cod. Lat. 5667, f. 188 (MS. of the year 1404); for Faenza, an extract in *Bullettino dell' Istituto Storico Italiano*, XIV. 173; for Arbois in Franche-Comté, MS. Lat. 8653A, f. 1v.; for Oxford, British Museum, Harleian MS. 670, f. 26, (fifteenth century);\*etc. In how many cases a real scarcity existed it would be impossible to say; Gaudenzi, *Bullettino dell' Istituto Storico Italiano*, XIV. 131, thinks the model of Guido Faba (*Dict. Rhet.* 1) refers to the severe famine of 1226–1227.

<sup>7</sup> Munich Cod. Lat. 22373, f. 207 (collection of the fifteenth century relating to Prague).

<sup>8</sup> "Reverendo patri suo ac per omnia merito diligendo A. suus filius studens Parisius, filialis dilectionis constanciam et utriusque vite salutem. Paternitati vestre reverende

the son could borrow no more of his fellows or of the Jews; and so on. The student's woes are depicted in moving language, with many appeals to paternal vanity and affection. At Bologna we hear of the terrible mud through which the youth must beg his way from door to door, crying, "O good masters," and bringing home nothing unless the Lord go with him.<sup>1</sup> In an Austrian formulary a scholar writes from the lowest depths of prison, where the bread is hard and moldy, the drink water mixed with tears, the darkness so dense that it can actually be felt.<sup>2</sup> Another lies on straw with no covering, goes without shoes or shirt, and eats he will not say what—a tale designed to be addressed to a sister and to bring in response a hundred sous *tournois*, two pairs of sheets, and ten ells of fine cloth, all sent without her husband's knowledge.<sup>3</sup> In another

notum esse cupio quod cum nuncios Parisius mihi destinaveritis cum equis et aliquanta pecunia (MS. aliquantam pecuniam), ex inoptato eventu rerum se subtraxit unus nunciorum cum . x. maricis et cum equo qui fuit ad valorem estimatus . c. maricarum, qui, ut dicitur, postmodum interfectus fuit. Unde sicut multis positus anxietatibus, cum non possim habere Parisius credenciam aliquam, supplico benignitati vestre quatinus alium equum et pecuniam mihi sine obstaculo dilacionis aliquam mihi transmittatis, ne tanquam feminam oporteat effugere et tanquam scirram vagari me contingat aliqua dierum ad confusionem meam et vestrum opprobium in vestra facie comparere." MS. Lat. 14069, f. 194v.

<sup>1</sup> "Cogit me anxietas eximie paupertatis et abhominabilis inopia me compellit exordium promere lacrimosum et narrationum seriem pudorosam. Nam cum deberem lectioni vacare et studiosius insistere scholasticis disciplinis, per hostia scolarium clamito mendicando. Insisto quippe reiterans aliquando vigesies, O boni domini, vel huiusmodi, et non reporto nisi vado cum Deo. Festino postmodum ad hostia laicorum, a quibus frequentius repellor cum clamoribus et garitu, et si quando dicitur, Expecta, exhibetur mihi panis de triplici mixtura quem canes comedere perorrescunt propter aristas spelte ibidem insertas. Olera quidem repudiata, cuticule, nervi qui commasticari non possunt, mucilagines carnum, abiectiones intestina, mice spinose, rapa, legumina, contemptibilia cibaria, et vina dampnata sepius mendicantibus exhibentur. Discurro de nocte per civitatem, in manu dextra baculum et in sinistra parasidem (*other MSS.*: piscidem, pixidem), peram iuxta cingulum et cucurbitam ad modum scarsellule deferendo, bacculo canibus resistendo, sed piscis oleribus, pera panibus, et cucurbita potibus deputatur. Cado frequenter in lutum Bononiense, cuius fetor est odori sepulcrorum similis, et ita fedatus ad hospitium revertor satisfaciens latranti stomacho de perceptis." . . . Buoncompagno, *Antiqua Rhetorica*, in Munich Cod. Lat. 23499, f. 9v. Also in MS. Lat. 8654, f. 16; MS. Lat. 7732, f. 10v.; British Museum, Cotton MS. Vitellius C. VIII., f. 96v. Letters on the same folii of these MSS. describe the misfortunes of another begging student and of one who is lying in the hospital. The example cited is a good specimen of Buoncompagno's style; manifestly his descriptions are not to be taken as entirely typical. The mud of Bologna is also referred to by Mathieu de Vendôme, ed. Wattenbach, 627.

<sup>2</sup> *Summa* of Petrus de Hallis, ca. 1337, in *Fontes Rerum Austriacarum*, second series, VI. 117.

<sup>3</sup> "Soror discrepta (*i. e.* discreta) et callida suum debet maritum et parentes etiam ad amorem sui fratris indigentis et subsidium inflammare. Soror dulcis, tua noscat dilectio quod ego sum in tali studio sanus et lectus (*i. e.* laetus) per Dei gratiam et bene adisco et facio factum meum. Multas enim paupertates substineo: iaceo quidem in paleis sine linteaminibus et incedo discalciatus et male vestitus sine camisia, et solum de pane non loquor, de quo edigeo non possum reficere ventrem meum (*the Arsenal MS. has*: de quo



form of appeal to the sister's mercy the student asks for the loan of twenty sous from her, since he has been so short a time at school that he dares not make the demand of his parents, "lest perchance the amount of his expenses displease them."<sup>1</sup>

To such requests the proper answer was, of course, an affectionate letter, commending the young man's industry and studious habits and remitting the desired amount.<sup>2</sup> Sometimes the student is cautioned to moderate his expenses—he might have got on longer with what he had,<sup>3</sup> he should remember the needs of his sisters,<sup>4</sup> he ought to be supporting his parents instead of trying to extort money from them,<sup>5</sup> etc. One father—who quotes Horace!—excuses himself because of the failure of his vineyards.<sup>6</sup> It often happened, too,

non audeo ventrem meum satiare). Precor igitur, soror dulcissima, ut diligenter et subtiliter tuum ducas maritum in quantum poteris ut iuvamen aliquod mihi mittat." The sister cannot express her distress over his poverty; she has done what she could and got together ".c. solidos Turonensium et duo paria lintheaminum et .x. ulnas de subtili tela, que omnia tibi dirigo per talem hominem presencium portatorem. Cave tamen cum summa diligentia ne hoc possit ad mei mariti noticiam pervenire, nam si hoc sciret mortua essem penitus et destructa. Ipse enim, prout credo firmissime, ad instanciam mei tuam in brevi tibi pecuniam destinabit." Ponce de Provence in British Museum, Arundel MS. 514, f. 76v. Also in MS. Lat. 18595, f. 22v.; MS. Lat. 8653, f. 13; MS. Lat. 11385, f. 73v.; Bibliothèque de l'Arsenal, MS. 3807, f. 61v.; Bibliothèque de Troyes, MS. 1556, f. 20.

<sup>1</sup> "Ne mearum expensarum quantitas eos forte tedio afficiat." Munich Cod. Lat. 6911, f. 54v.

<sup>2</sup> Examples in Rockinger, *Ueber Briefsteller*, 41; Guido Faba, *Dict. Rhet.*, 2; Delisle, *Formulaire de Tréguier*, Nos. 2, 5, 14, 17.

<sup>3</sup> "Debuisses quidem per biennium primo fecisse moram in scholis antequam tam importune subsidia postulares." To which the student replies: "Qui remorantur domi iudicant de absentibus prout volunt, et dum sedent super ollas carniū in saturitate panem edentes illorum nullatenus recordantur qui fame, siti, frigore, ac nuditate opprimuntur in scholasticis disciplinis." Buoncompagno in MS. Lat. 8654, f. 14v.; MS. Lat. 7732, f. 9v.; Munich Cod. Lat. 23499, f. 8v.

<sup>4</sup> Mathieu de Vendôme, ed. Wattenbach, 622.

<sup>5</sup> "Verecundari debet adultus et discretus filius cum a patre suo pauperrimo credit et nititur pecuniam extorquere, cui deberet potius in necessariis providere." Munich Cod. Lat. 22293, f. 280v. Cf. also f. 281.

<sup>6</sup> "P. civis Bisuntinus suo precordiali filio G. in Montepessulano studenti, salutem et cure paternalis affectum.

Insani sapiens nomen fert, equus iniqui,  
Ultraquam satis virtutem si petat ipsam,

sicut Horatius asseverat (*Epistles*, I. 6, 15). Ut attumavi satis esse tibi sumptus hucusque, suspēdici pectore letabundo, sed hoc anno ymbres et uredo primitus, demum importune ulucres (*i. e.*, volucres) vignearum fructibus partibus istis adeo detererunt quod in tribus vigneis sportas duntaxat dovam in qualibet sigillatim collegi. Meos autem convicaneos par sterilitas reddidit consternatos. Hac ratione non est michi suppetens qua te valeam relevare, nisi ultra quam satis immergar usurarum voragine, quo facto videar insanire. Igitur faciens de necessitate virtutem sustineas quousque nobis pinguorem Omnipotens largiatur fortunam." MS. Lat. 8653A, f. 9v. In a formulary from Toulouse, on the other hand, the parents cannot send money because of the low prices of produce: "Cum de blado et vino nostro propter multitudinem que nunc est nullam poterimus pecuniam extorquere." Arsenal, MS. 854, f. 232.

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that the father or uncle has heard bad reports of the student, who must then be prepared to deny indignantly all such aspersions as the unfounded fabrications of his enemies.<sup>1</sup> Here is an example of paternal reproof taken from an interesting collection relating to Franche-Comté :

"To his son G. residing at Orleans P. of Besançon sends greeting with paternal zeal. It is written, 'He also that is slothful in his work is brother to him that is a great waster.' I have recently discovered that you live dissolutely and slothfully, preferring license to restraint and play to work and strumming a guitar while the others are at their studies, whence it happens that you have read but one volume of law while your more industrious companions have read several. Wherefore I have decided to exhort you herewith to repent utterly of your dissolute and careless ways, that you may no longer be called a waster and your shame may be turned to good repute."<sup>2</sup>

In the models of Ponce de Provence we find a teacher writing to a student's father that while the young man is doing well in his studies, he is just a trifle wild and would be helped by judicious admonition. Naturally the master does not wish it known that the information came through him, so the father writes his son :

"I have learned—not from your master, although he ought not to hide such things from me, but from a certain trustworthy source—that you do not study in your room or act in the schools as a good student should, but play and wander about, disobedient to your master and indulging in sport and in certain other dishonorable practices which I do not now care to explain by letter." Then follow the usual exhortations to reform.<sup>3</sup>

<sup>1</sup> "Mentiti sunt per medios dentes qui de me talia predicaverunt," says a student in the formulary of Ponce de Provence. British Museum, Arundel MS. 514, f. 75; Munich Cod. Lat. 22293, f. 282v.; MS. Lat. 18595, f. 21. Specimens of the conventional reproof and denial may be seen in Guido Faba, *Dict. Rhet.* 3, 4; *Epist.* 8, 9. In *Epist.* 8, the father calls down on the son's head "the maledictions of the Old and New Testaments."

<sup>2</sup> "P. Bisuntinus G. filio suo Areliensis—vel Aurelianus—residenti, salutem cum zelo paternali. Scriptum est, 'Qui mollis est et dissolutus in opere suo frater est sua opera dissipantis' (*Proverbs*, xviii. 9). Te nuper intellexi [te] molliter et dissolute adeo vivere ut petulanciam plus celibatu diligas et ludicra serijs anteponas, nec non cum ceteri lucubrationi vacant in cithara diceris concrepare; unde contingit unum volumen legeris, quamquam tui choetanei plura condecensius legerint commentaria (MS. comitaria). Igitur te duxi presentibus exortandum quod (MS. qq) a tuis dissolutionibus insolenciis totaliter respicias, quod non dicaris bonorum dissipator sed in bonum nomen tua possit ignominia commutari." MS. Lat. 8653A, f. 9; a similar letter is on f. 13v.

<sup>3</sup> "Non per tuum magistrum, qui tamen non deberet mihi talia celare, sed per certam relacionem quorundam, didici quod tu non studes in camera tua nec in scholis sis ut bonus scolaris solet facere, sed extra vagabundus efficiaris atque lusor et tuo magistro non obediens et rebellis, indulgens ludis et quibusdam aliis inhonestis que ad presens nolo per lit-

The arrival of students at school is frequently the occasion of letters to parents describing their new surroundings, as in the following illustration, which comes from Moravia :

"After my departure from your gracious presence the circumstances of my journey continued to improve until by divine assistance I arrived safely in the city of Brünn, where I have had the good fortune to obtain lodgings with a certain citizen who has two boys in school and provides me with food and clothing in sufficient amount. I have also found here an upright and worthy master, of distinguished reputation and varied attainments, who imparts instruction faithfully ; all my fellow pupils, too, are modest, courteous, and of good character, cherishing no hatred but giving mutual assistance in the acquirement of knowledge and in honor preferring one another."<sup>1</sup>

The following, from Orleans, is more fresh and original :

"To their dear and respected parents M. Martre, knight, and M. his wife, M. and S. their sons send greeting and filial obedience. This is to inform you that, by divine mercy, we are living in good health in the city of Orleans and are devoting ourselves wholly to study, mindful of the words of Cato, 'To know anything is praiseworthy.' We occupy a good dwelling, next door but one to the schools and market-place, so that we can go to school every day without wetting our feet. We have also good companions in the house with us, well advanced in their studies and of excellent habits—an advantage which we well appreciate, for as the Psalmist says, 'With an upright man thou wilt show thyself upright' " (*Psalms*, xviii. 25). Then follows the inevitable demand for money, this time for the purchase of a desk, ink, and parchment, and the letter

teras explicare." Munich Cod. Lat. 22293, f. 278v.; Cod. Lat. 16122, f. 11v.; MS. Lat. 18595, f. 16v. Cf. Buoncompagno in Munich Cod. Lat. 23499, f. 4v.

<sup>1</sup> "Postquam discessi a vestra facie graciosa, divino favente (MS. vavente) auxilio, meum iter [convertitur] de bono in melius se disposuit donec Brunnensis civitas incolomem me recepit. Ibidem apud quendam civem qui duos habet pueros scholas frequentantes sospes et cum gaudio sum locatus, qui sufficienter vestes et victualia aministrat ; ibidem etiam inveni magistrum probum et honestum, suos subditos fideliter informantem, honestatis titulo ac diversis facultatibus presignitum. Preterea socii qui se in suis scholis recipiunt omnes sunt curiales, humiles, et honesti, inter quos nullum latet odium sed mutuo scientiis proficiunt et honoribus se exaltant." Munich Cod. Lat. 2649, f. 49 ; on f. 44 a student gives a similar account of his surroundings at Erfurt. The following, of much the same character, is from Buoncompagno : "A vobis licentia impetrata et recepto benedictionis vestre munere, cepi ad studium properare sicque cum successive fortune incremento intravi Bononiam, ubi a sociis et amicis fui cum ingenti alacritate receptus et ab eis multipliciter honoratus. Postmodum vero conducxi hospitium, preelegi mihi magistrum et socios competentes, cum quibus lego et proficio iugiter in moribus et doctrina." Munich Cod. Lat. 23499, f. 5 : MS. Lat. 8654, f. 8. See also Guido Faba, *Epist.* 54 ; and Ponce de Provence in Munich Cod. Lat. 22293, f. 279, and MS. 3807 of the Arsenal, f. 57v.

closes by saying that the bearer will take charge of the books and shoes their parents have to send and will also bring any message they may desire him to convey.<sup>1</sup>

The student's journey and arrival were not always so prosperous, and the famous Bolognese dictator Buoncompagno devotes a chapter of his collection to the accidents that may befall one on the way to the university.<sup>2</sup> Attacks from robbers seem to have been the chief danger; the scholar was hastening to Bologna, for the love of letters, but in crossing the Alps he was attacked by highwaymen, who took away his books, clothing and money, so that he has been obliged to remain in a neighboring monastery till help can reach him.<sup>3</sup> In other instances the robbery takes place in the forest of Bologna,<sup>4</sup> or in the highway near Aosta.<sup>5</sup>

Once safely arrived at a centre of learning, medieval students were slow to quit academic life.<sup>6</sup> Again and again they ask per-

<sup>1</sup> MS. Lat. 1093, f. 82v., published by Delisle in the *Annuaire-Bulletin de la Société de l'Histoire de France* (1869), VII. 149, 141. There is a reprint in the *Archivio della Società Romana di Storia Patria* (1888), XI. 396.

With these may be compared such descriptions of Paris as are given by a German student at the beginning of the twelfth century (Jaffé, *Bibliotheca Rerum Germanicarum*, V. 285); by Gui de Bazoches about fifty years later (*Bulletin de la Société de l'Histoire de Paris et de l'Isle de France*, IV. 38—cf. *Neues Archiv*, XVI. 72); and by John, later Archbishop of Prague, in 1375 or 1376 (*Archiv für österreichische Geschichte*, LV. 385).

<sup>2</sup> See the table of contents in Rockinger, *Briefsteller und Formelbücher*, 134.

<sup>3</sup> "Eram in procintu itineris et Bononiam properabam ob amorem studii litteralis, unde si essent in homine vie illius meum duxissem propositum ad effectum; sed comparuit evidens impedimentum quo cogor a proposito resilire. Sane cum essem in transitu Alpium occurrerunt quidam ratopres (MS. Lat. latrones) qui pecuniam, libros, vestes, et equos mihi penitus abstulerunt, me nudum, verberatum, et vulneratum, lugubrem et abiectum in solitudinem dimittentes. Postmodum autem diverti ad quoddam monasterium, in quo tandiu proposui commorari donec quid mihi sit agendum vestris litteris intimetis." Buoncompagno in Munich Cod. Lat. 23499, f. 5; MS. Lat. 8654, f. 8; British Museum, Cotton MS. Vitellius, C. VIII., f. 93v. In Mathieu de Vendôme (ed. Wattenbach, 587) the same fate befalls a student of medicine on his way to Salerno.

<sup>4</sup> "Mirifice divinitatis nutu Vercellensis ecclesie religioso antistiti B. humillimus clericus . . . . . Cum enim nuper preter parentium velle filosofice discende liberalitatis gratia versus Bononiam iter incepissem et procuratorem habens itineris Bononiensium silvam ingressus essem, supervenientes quidam milites de contiguis castrorum finibus ad depredandum, sicut revero venerant habiles, me cum prefato itineris tutore ceperunt et cuncta seriatim investigantes cetera violenter abstulerunt. xv. argenti marcas, pelles grisias . . . . . exceptis subpellectilibus plurimis et diversis que scolares in terra extranea victuros portare cognoscitis." *Precepta Prosaici Dictaminis secundum Tullium*, of the twelfth century, from northern Italy, in British Museum, Add. MS. 21173, f. 71v.

<sup>5</sup> "Consultatione vestra Bononiam (MS. Bonaniam) profiscebar iuris scientiam adepturus, verum in strata publica (MS. publica) vispiliones me spoliaverunt, libros et pecuniam cum vestibus absportantes, unde pauperculus regressus sum ad Augustam ubi cum robore miserabili mendicitate sustentor." MS. Lat. 8653A, f. 3v.

<sup>6</sup> Buoncompagno even tells of one who had spent twenty-eight years in study: "Ecce iam xxviii. annorum spacium est elapsum quod te dedicasti scholasticis dis-

mission to have their term of study extended; war might break out,<sup>1</sup> parents or brothers die, an inheritance have to be divided,<sup>2</sup> but the student pleads always for delay. He desires to "serve longer in the camp of Pallas;"<sup>3</sup> in any event he cannot leave before Easter, as his masters have just begun important courses of lectures.<sup>4</sup> A scholar is called home from Siena to marry a lady of many attractions; he answers that he deems it foolish to desert the cause of learning for the sake of a woman, "for one may always get a wife, but science once lost can never be recovered."<sup>5</sup> In a similar case another student holds out against the charms of a proposed wife, who, "though she is dark, is clever and of placid demeanor, good, wise and noble, and moreover has a considerable dower and belongs to an influential family."<sup>6</sup> Sometimes, however, the student is taken ill and writes for money and an easy-going horse to take him home,<sup>7</sup> while occasionally he discovers his inability to learn and

ciplinis." Munich Cod. Lat. 23499, f. 13; MS. Lat. 8654, f. 21v.; MS. Lat. 7732, f. 14v.

<sup>1</sup> Guido Faba, *Dict. Rhet.* 53, *Epist.* 84. Cf. Petrus de Hallis in *Fontes Rerum Austriacarum*, second series, VI. 116; and *Bullettino dell' Istituto Storico Italiano*, XIV. 169.

<sup>2</sup> Munich Cod. Lat. 2649, f. 50; Cod. Lat. 96, f. 38; Cod. Lat. 14708, f. 58, 58v.; *Zeitschrift für die Geschichte des Oberrheins*, new series, XI. 34; Guido Faba, *Dict. Rhet.* 15, 16.

<sup>3</sup> "In castris Paladis disposui longiori spatio militare." MS. Lat. 8661, f. 98v. So the nephews of Wolfgang of Altaich ask for more time (Berlin MS. Lat. oct. 136, f. 112v.), and a benefited student promises to return to his parish in the spring (Guido Faba, *Dict. Rhet.* 84, 85).

<sup>4</sup> "Ad presens te non possum presencionaliter consolari nec ante futurum Pascha tuam presenciam visitare, quia magistri quorum lectionibus me subiunxi quosdam libros mihi utiles legere inceperunt, quorum neglectio meo studio generaret irrecuperabile detrimentum." Munich Cod. Lat. 2649, f. 50v.

<sup>5</sup> Guido Faba, *Parlamenti ed Epistole*, 16-19.

<sup>6</sup> "G., filiam Bernardi de Gualdo . . . que, quamquam bruna sit, abilis est et placida in conspectu, morum elegantia decoratur, nitet sapientia, magnaque nobilitate clarescit. Preterea nominata dotem exhibet grandi censu, caros habebit amicos plurimos et affines." MS. Lat. 8661, f. 98; on f. 96v., on the other hand, a student writes that his approaching marriage will prevent his return to school.

The same MS., f. 99v., reproduces a form of Buoncompagno's written by a woman to her husband who has remained in the schools longer than he had promised; she is sure he has been studying in some other Code, and proposes to read a little in the Digest on her own account! This is published from an anonymous fragment at Rheims by Wattenbach in the *Sitzungsberichte* of the Berlin Academy for 1892, 93; it will be found, followed by another of similar character, in the copies of the *Antiqua Rhetorica* in MS. Lat. 8654, f. 22, and MS. Lat. 7732, f. 14. Cf. Guido Faba, *Epist.* 9, where a son assures his father that he has been studying in the Code of Justinian and no other.

<sup>7</sup> E. g., the letter of a French student at Bologna in the Formulary of Tréguier (MS. Lat. Nouv. Acq. 426, f. 17), cited by Delisle in the *Histoire Littéraire*, XXXI. 30. The following letter from Angers in the same collection (f. 3) is not mentioned by Delisle: "Reverendo pre omnibus suo patri reverencia filiali tali patrifamilias titulis domini talis opidi decorato, talis suus filius Andegavis in studio moram trahens (MS. traans) salutem corporis et anime, licet ipsa salute corporis iam privetur. Reverende pater, vobis



asks to enter the army or some other more congenial occupation.<sup>1</sup>

As is indicated by letters already cited, one of the first cares of a student was to provide himself with a suitable room. Various models show that it was usual to secure accommodations in advance through acquaintances, a necessary precaution when the number of new students was uncommonly great.<sup>2</sup> The scholar is going to Paris at the feast of St. Rémy,<sup>3</sup> or he is a monk whose prior has just granted him a year's leave of absence,<sup>4</sup> and he would like to live "away from the rush and noise of men,"<sup>5</sup> in the same room with his friend, if possible, or at least in the same hospice.<sup>6</sup> Fre-

tenore presencium innotescat me gravi valetudine corporis iam detentum taliter quod exercere studium nequeo, sed in lecto iacens egritudinis me rectis pedibus non valeo sustentare. Quare paternitati vestre carissime suplico, care pater, visis presentibus unum de vestris clientibus cum equo suaviter ambulante et sufficienti pecunia ad expensas pro me mittere non tardetis, quo ducente vestram gratuitam presenciam ante quam moriar valeam visitare. Spero etenim firmiter quod mea infirmitas mutacione locorum valeat immutari, alias timeo et oresco ne ossa mea terra contegat aliena." In MS. Lat. 15131, f. 177v., a student at Orleans writes to the same effect. So in the British Museum, Cotton MS. Vitellius, C. VIII., f. 141, where the writer wishes "vehiculum et expensam."

<sup>1</sup> "Patri karissimo, etc. In labore scholastico sedi diucius ut mihi thesaurum scientie comparem, verum sed irritum laboravi et video quantum magis studeo tanto minus proficio nec ad memoriam possum reducere peraudita. Ad hoc ergo discretum habeat consilium vestra veneranda paternitas me ab officio clericali removendo et ad decus milicie, ad quod meus valde suspirat animus, transferendo; aliquin regnum Francorum gressibus visitabo regi donec me faciat militem cum diligencia serviturus." The father tries to dissuade him, but adds that if in his simplicity he still insists on becoming a knight, he would better serve under his natural lord. Munich Cod. Lat. 22293, f. 281. In other MSS. of Ponce de Provence (MS. Lat. 18595, f. 19v.; MS. Lat. 8653, f. 11v.; Arsenal MS. 3807, f. 59; British Museum, Arundel MS. 514, f. 73v.) the request is more general—"filius patri quod non potest addiscere, et removeat eum ab officio clericali ad aliud aptum officium transferendo," and in the reply the student, if he returns, is to go into business like his brothers—"negociando lucraberis, sicut faciunt fratres tui." So in the *dictamina* of Nicholas of Breslau (*Codex Diplomaticus Silesiae*, V. 318) a father promises the delights of manual labor to a son who complains that the Scriptures are too hard for him to understand and desires to do "some more useful work which leads to temporal gain."

<sup>2</sup> See the letter from Laon, written not long after 1103, in the *Bibliothèque de l'École des Chartes*, 1855, 466.

<sup>3</sup> "Ad festum beati Remigii est mihi propositum ire Parisius et vobiscum in eodem hospicio commorari. Unde vestram benivolentiam commoneo ut tam mihi quam vobis de bono hospicio curetis providere, quod in illud nostri socii utrumque confiteant ad honorem." MS. Lat. 8653, f. 32v.

<sup>4</sup> "De priore meo et meis confratribus pro anno sequenti scolatizandi licenciam optinens." *Salutationes secundum usum Oxonie*, in the Bodleian, Auct. F. 3. 9, f. 423 (fifteenth century).

<sup>5</sup> "Ab incursu hominum et strepitu separata." Delisle, *Formulaire de Tréguier*, No. 15. "Longe a tumultu hominum sequestratus," says another model in the same formulary (MS. Lat. Nouv. Acq. 426, f. 13).

<sup>6</sup> "Vobiscum in eodem hospicio et etiam in camera et propono et desidero, si vobis placuerit, commorari." Ponce de Provence, in British Museum, Arundel MS. 514, f. 77v.; MS. Lat. 18595, f. 23v.; MS. Lat. 8653, f. 13; Arsenal MS. 3807, f. 62v.; Munich Cod. Lat. 22293, f. 283.

quently the student's father places him under the care of a relative or friend,<sup>1</sup> or he may ask the master to take special charge of the young man and his spending-money.<sup>2</sup> That indefatigable *rhetor*, Ponce de Provence, has left us models of all necessary correspondence between father and teacher—how the son is sent and received, the reports of his conduct and the appropriate parental admonition, statements of his progress and of the completion of his studies, and finally the letter sending the master his pay with the father's thanks.<sup>3</sup> In an example written at Cambridge a master is asked to permit a student to visit his parents,<sup>4</sup> while in another letter of the same collection a young man announces that he will take his master home with him for two or three days at Christmas.<sup>5</sup>

<sup>1</sup> "Mittitur filius ad amicum ut eum in pedagogio ponat." *Epistolares quedam formule . . . extracte ex maiorum litterarum collectorio scolariis Lovanii in pedagogio Lillii lectarum*, of the end of the fifteenth century, in Munich Cod. Lat. 7082, f. 20v. (there is another copy in the Library of the University of Cambridge, Gg. v. 37). Cf. Munich Cod. Lat. 96, f. 39v.; Cod. Lat. 14708, f. 59v.; Cod. Lat. 22294, f. 42v. In a formulary from Orleans composed about the year 1230 (see Langlois, *Formulaires de Lettres*, III. 14), and preserved in the Bibliothèque de Rouen, MS. 1468, f. 363v., we find: "Exoramus quatinus expensis tali filio nostro apud vos ad studium misso vobis placeat (MS. placat) providere et omnia bene computetis; nam parati sumus ad mandatum vestrum persolvere quicquid iustum fuerit cum actione multimoda gratiarum." A Silesian student at Paris, near the middle of the fourteenth century, receives money weekly from the *hospes* with whom it is deposited (Jacobi, *Codex Epistolaris Johannis Regis Bohemiae*, Berlin, 1841, 58). See further Guido Faba, *Dict. Rhet.* 13, 14; *Zeitschrift des Vereins für Geschichte und Alterthum Schlesiens*, XXVII. 354; Wattenbach, *Iter Austriacum*, 52 (formulary from Naples, ca. 1230).

<sup>2</sup> "Et pourceo que jeo pensa qil demoura illeosques entre cy et Pasche sanz venir al hostel, si ay envoie oue lui vint soldes queux devers voillez prendre de luy et les garde devers vous tanque soient ouement despenduz, qar si la somme demourroit en son burse desmeme y les degastreit maintenant en chose queu amonterent rienz." British Museum, Harleian MS. 4971, f. 20v. (a rhetorical treatise in French, with models, belonging to the reign of Edward III. Cf. Ellis, *Original Letters*, third series, I. x., note). John, archbishop of Prague, who studied at Prague, Padua, Bologna, Montpellier, and Paris, in the latter part of the fourteenth century, says that in his student days the masters had charge of the scholars' money, so that they rarely had anything to spend and could never buy sweetmeats (*Archiv für österreichische Geschichte*, LV. 327).

<sup>3</sup> British Museum, Arundel MS. 514, f. 70; MS. Lat. 18595, f. 16v.; MS. Lat. 8653, f. 9; Arsenal MS. 3807, f. 56v.; Munich Cod. Lat. 22293, f. 278. Letters of fathers sending their sons to school may also be found in Gaudenzi, *I Suoni*, 170; and in Hauréau, *Notices et Extraits de quelques Manuscrits Latins de la Bibliothèque Nationale*, IV. 271. In Munich Cod. Lat. 7082, f. 18, a master at Louvain returns a scholar "in artibus graduatus," but hopes he will continue his studies at Louvain or some other university.

<sup>4</sup> "Et, tres gentil sire, vous plaise entendre que nous en avons tres grant volantee et regret pour parler avec notre chier filz, sil vous plaist. Car vrayement ja grant temps a que nous ne lui vismes mais. Si vous prions chierement, tres doulz et tres gentil sire, que vous lui vueillez donner licence pour venir a lostel de parler avec nous au plus tost que faire se pourra bonnement." British Museum, Harleian MS. 3988, f. 49 v. (forms of letters, in French, relating chiefly to affairs in the eastern counties in the reign of Richard II. Cf. Ellis, l. c.).

<sup>5</sup> "Mon tres doulz pere, sauve votre grace il nest pas vray ce que vous mavez certifiee par votre lettre, comme mon tres honeuree maistre vous dira plus plainement a Noel,

The letters of students make frequent mention of their books and studies, but do not add much to our information on these subjects. Books were, of course, in steady demand, and furnished a convenient occasion for appeals to the parental purse,<sup>1</sup> although it might also happen that they would be left in a chest at home until sent for.<sup>2</sup> Often the particular work wanted is ordered through some friend. Thus if the writer is studying grammar, he wants a *Grecismus* and a *Doctrinale* with the glosses copied in a large and accurate hand,<sup>3</sup> or more rarely a Priscian and *Argentea Lingua*.<sup>4</sup> When well advanced in grammar, he may aspire to study law,<sup>5</sup> and thus become a "refuge to his friends and a source of terror and confusion to his enemies."<sup>6</sup> Then, if a civilian, he will need "ten livres *tournois* for a certain book called *Digestum Novum*,"<sup>7</sup> or forty livres *parisis* for the Code, Digest and Institutes,<sup>8</sup> while if he forsakes these "clamorous subter-

quar il venra avecque moy pour sojourner et prendre desduit avec vous par deux jours ou trois, sil vous plaist." *Ib.*, f. 45v.

<sup>1</sup> Compare the warning to certain students in Pez, *Thesaurus Anecdotorum*, VI. 2. 186.

<sup>2</sup> "Dilectioni tue notum esse desidero quod, cum me Parisius transtulerim ad hoc ut studiis vacem omni qua possum diligentia, libros quos in archa tua habes repositos habeo necessarios ad propositum studiorum," writes a student to his mother in Munich Cod. Lat. 6911, f. 53, and MS. Lat. 14069, f. 201. Cf. the request for "anomynale and a bok of systre of my brother Emundes" in the *Paston Letters* (ed. Gairdner), I. 82.

<sup>3</sup> Thus a student at Orleans sends to his friend "P. de tali loco," "Doctrinale cum magnis glosulis de litera veraci et legibili tam in nota quam in textu." Arsenal MS. 854, f. 214v. In the *Formulaire de Tréguier*, No. 10, a *Doctrinale* of this sort is sought by the schoolmaster of Prat. So in the same MS. of the Arsenal, f. 215, the student wants "Doctrinale . . . et Grecismus et ceteros libros gramatice oportunos;" and in Ponce de Provence the *Grecismus* and *Doctrinale* are desired—British Museum, Arundel MS. 514, f. 72; MS. Lat. 18595, f. 18; MS. Lat. 8653, f. 11; Arsenal MS. 3807, f. 58. Cf. also *Zeitschrift für die Geschichte des Oberrheins*, new series, XI. 34.

On the *Doctrinale* of Alexandre de Villedieu and the *Grecismus* of Évrard de Béthune, the popular grammatical text-books of the thirteenth and fourteenth centuries, see Reichling, *Das Doctrinale des Alexander de Villa Dei* (Berlin, 1893), and Wrobel, *Eberhardi Bethuniensis Grecismus* (Breslau, 1887); and cf. Thurot in the *Notices et Extraits des Manuscrits*, XXII. 2, especially pp. 98–102. A fac-simile of a portion of a MS. of the *Grecismus*, showing the glosses, is given by Prou in his *Manuel de Paléographie*, second edition, 124.

<sup>4</sup> Hugh of Bologna, in *Neues Archiv*, XXII. 300.

<sup>5</sup> Guido Faba, *Dict. Rhet.* 61. Ponce de Provence, in British Museum, Arundel MS. 514, f. 72v.; Munich Cod. Lat. 22293, f. 280; Troyes, MS. 1556, f. 16.

<sup>6</sup> "Tuorum turris et refugium amicorum et inimicorum confusio atque terror." Ponce de Provence, l.c. Cf. *Codex Diplomaticus Silesiae*, V. 318, and the letter from Orleans cited below.

<sup>7</sup> "Quatinus michi in .x. libris Turonensium pro quodam libro emendo qui *Digestum Novum* dicitur dignemini subvenire." Laurentius of Aquileia, in MS. Lat. 11384, f. 36v.; also in MS. Lat. 16253, f. 12, except that here the text reads "libris Parisiensibus" (in full).

<sup>8</sup> "Patri ac domino metuendo B. civi Parisiensi, C. humilis eius natus scolaris (MS.

fuges"<sup>1</sup> for the canon law, he must have the Decretals at least<sup>2</sup> and perhaps the *Summa* of Gaufridus.<sup>3</sup> From Orleans a student writes that he has become famous in dialectic, and desires to study theology if only his father will send him enough money to buy a Bible.<sup>4</sup> The father praises his ambition but cannot afford the expense of a theological course—let the son turn to some of the "lucrative" professions.<sup>5</sup> There are, of course, numerous letters in praise of the *ars dictaminis* and its study,<sup>6</sup> and the "frivolous and empty quarrels" of the logicians are not forgotten.<sup>7</sup>

Usually the writers of these letters study their law at Orleans or Bologna, their medicine at Montpellier, and so on, but sometimes their statements add to our knowledge of the medieval curriculum and the branches that flourished at different institutions. Thus Thurot concludes from the models of Ponce de Provence that logic was not necessary for the study of law, but was demanded of students of medicine and was indispensable for theology,<sup>8</sup> and it is on such forms that Fitting bases his argument for the early pre-emi-

scolari) Ariliensis salutem cum reverencia filiali. Cum scientia sit nobilis possessio, illa est maxime appetenda que nobilissima reputatur. Hinc est quod in legum honorabili facultate propono ulterius desudare, quia sui possessores multum honoris consequuntur. Quare dominatione vestre supplicat devotio filialis quod (MS. qq) causa emendi Codicem et Digestum cum Institutionibus quadraginta libras Parisiensium michi mitere procuretis, scientes pro certo quod iste labor vobis et amicis nostris honorem et gloriam reportabit." Arsenal MS. 854, f. 214.

<sup>1</sup> "Clamosis tergiversationibus legistarum." Laurentius of Aquileia, MS. Lat. 11384, f. 59v.

<sup>2</sup> "Decretales in textu et glosa sufficienter correctas ad usum meum pro competenti precio emere procuretis." Id., MS. Lat. 14174, f. 126; MS. Lat. 11384, f. 55; MS. Lat. 16253, f. 23.

<sup>3</sup> Starzer and Redlich, *Eine Wiener Briefsammlung . . . des XIII. Jahrhunderts* (Vienna, 1894), 245.

<sup>4</sup> "Demonstratione presentis cedule noscat vestra paternitas, pater karissime, quod ego sum Aurelianis sanitate corporea per Dei gratiam predictatus et in dyalectica taliter fundatus quod omnes scolares et etiam magistri dicunt me fore disputatorem optimum et sophistam, et multum desidero in sancta theologia de cetero prostudere. Michi mittat igitur, precor et moveo, paternitas pietas unde possum Bibliam comparare et expensas habere, quamvis non plenarie, quoquo modo." Ponce de Provence, British Museum, Arundel MS. 514, f. 73; MS. Lat. 18595, f. 19v.; MS. Lat. 8653, f. 11v.; Arsenal MS. 3807, f. 59; Troyes, MS. 1556, f. 17. In Pez, *Thesaurus Anecdotorum*, VI. 2. 185, a student who has secured a benefice is required to learn the Psalter by heart.

<sup>5</sup> "Hoc requirit, sicut mihi dicitur, magnos sumptus. Audias ergo artes, fili karissime, vel actores vel phisicam vel aliquam scientiam lucrativam, quia non possem tibi magnam pecuniam ministrare." Ponce de Provence, Arundel MS. 514, f. 73v., and other MSS. as above.

<sup>6</sup> For examples see Valois, *De Arte Scribendi Epistolas*, 25-27; Pertz's *Archiv*, X. 559. Cf. also a letter in the Arsenal (MS. 854, f. 233), where "scolaris studens Parisius significat socio studenti Tholose quod dictator optimus venit Parisius, et ibi ad studendum venire non postponat."

<sup>7</sup> Petrus de Hallis, in *Fontes Rerum Austriacarum*, second series, VI. 117.

<sup>8</sup> *Notices et Extraits des Manuscrits*, XXII. 2.93, note.

nence of Pavia over Bologna as a centre of legal instruction.<sup>1</sup> Similar evidence has enabled Delisle to establish the existence of a flourishing school of rhetoric and literature at Orleans in the twelfth century,<sup>2</sup> while the later decline of the trivium there is seen in a letter of the early fourteenth century.<sup>3</sup> A careful study of the formularies would also show something as to the regions upon which the various universities drew most largely for students,<sup>4</sup> and might throw some light upon the matter of inter-university migration.

Letters from all parts of Europe testify to the expense attendant upon securing a degree. Thus a student at Paris asks a friend to explain to his father, "since the simplicity of the lay mind does not understand such things," how at length after much study nothing but lack of money for the inception banquet stands in the way of his graduation.<sup>5</sup> From Orleans D. Boterel writes to his dear relatives at Tours that he is laboring over his last volume of law and on its completion will be able to pass to his licentiate provided they send him a hundred livres for the necessary expenses.<sup>6</sup> A success-

<sup>1</sup> *Die Anfänge der Rechtsschule zu Bologna* (Leipzig, 1888), 80, 105.

<sup>2</sup> *Les Écoles d'Orléans au XII<sup>e</sup> et au XIII<sup>e</sup> siècle*, in *Annuaire-Bulletin de la Société d'Histoire de France* (1869), VII. 139-154.

<sup>3</sup> A certain P. of Salins (Jura) desires to give instruction in rhetoric and logic at Orleans, "ubi plures dicuntur trivialibus assidentes," but in response to his inquiries "G. Arelianus studens" writes: "Scicitatus sum quot et quanti forent Arelianus in trivialibus auditores, tandem pro facto compertum est hos scolares esse paucos et indigos nec non superficialia rudimenta sectantes, quod eorum doctores intuiti ad reliquias convolant disciplinas. Igitur quamquam meus animus vestram gliscat presenciam, nullominus vobis instinctu consulo caritatis quod (MS. qq) Arelianus non curetis pro trivialibus edocendis venire, ubi non sunt plures qui subtiliter audirent sermonis vestri dogmata [venienda] veneranda." MS. Lat. 8653A, f. 16.

<sup>4</sup> Thus Delisle has pointed out on the basis of the Formulary of Tréguier that the youth from that part of Brittany frequented Orleans rather than Paris. The collection from Arbois (MS. Lat. 8653A), to which reference has frequently been made, indicates that Orleans was also the favorite resort of scholars from Franche-Comté, although Paris, Montpellier, and Bologna are also mentioned in the letters. We find Paris occupying a prominent place in forms from the upper Rhine (*Zeitschrift für die Geschichte des Oberrheins*, new series, XI. 34; Pertz's *Archiv*, XI. 503), and from more remote parts of the Empire (Pez, *Thesaurus Anecdotorum*, VI. 1. 427, 2. 14, 179 ff.; Jacobi, *Codex Epistolaris Johannis Regis Bohemiae*, 58; etc.), while German students are often represented as attending Bologna (*Das Baumgärtenberger Formelbuch*, Vienna, 1866, 317; *Codex Diplomaticus Silesiae*, V. 318; British Museum, Arundel MS. 240, ff. 122-123). In general evidence of this sort must be used with caution, as names of universities might be retained from older models, or well-known *studia* like Paris or Bologna might be inserted without their having any close connection with the region where the formulary took its present shape.

<sup>5</sup> Rockinger, *Briefsteller und Formelbücher*, 487. On inception feasts at Oxford compare the *Litterae Cantuarienses* (Rolls Series), I. 416; and the *Paston Letters* III. 248.

<sup>6</sup> "Viris providis et discretis consanguineis peramatis A. et B. et C. cognomine Ro-



ful inception at Bologna is thus described by Buoncompagno : "Sing unto the Lord a new song, praise him with stringed instruments and organs, rejoice upon the high sounding cymbals, for your son has held a glorious disputation, which was attended by a great number of teachers and scholars. He answered all questions without a mistake, . . . and no one could prevail against his arguments. Moreover he celebrated a famous banquet, at which both rich and poor were honored as never before, and he has duly begun to give lectures which are already so popular that others' classrooms are deserted and his own are filled."<sup>1</sup> Buoncompagno also tells of an unsuccessful candidate who could do nothing in the disputation but sat in his chair like a goat while the spectators in derision called him rabbi; his guests had such eating that they had no will to drink, and he must needs hire students to attend his classes.<sup>2</sup>

If we were to judge them by their own accounts, medieval students were models of industry and diligence, hearing in some in-

terellis, civibus Turonis, D. Boterel Aurelianus in ultimo legum volumine lectionibus elaborans, cum salute vite cursum prosperum et longevum . . . . . Vestra noverit dilectio mihi cara quod infra mensem, favente Deo, finiem librum meum, quo finito licentiam in legibus adipisci potero, qua obtempta conscribi desidero venerabili collegio professorum. Sane cum tunc oporteat me facere sumptus graves, vobis supplico quod (MS. qq) in . c. libris Parisiensium vos habeam provisores, taliter quod, meo principio subventionem vestra laudabiliter celebrato, vestre dilectionis affectum recoligens per effectum vobis impensius magis teneam obligatus." Arsenal MS. 854, f. 215. Cf. the Italian models published by Gaudenzi, *I Suoni*, 168, and the following from Montpellier: "Venerabili patri in Christo suo P., civi Bisuntino, G. studens in Montepessulano . . . . . Porro nostis quod dudum theoreticis et practicis laborans (MS. laborant) ad elicona medicine proveare, cuius messis est copiosa. Propinquat nunc tempus quo predicatus honore magistrali repatriare decrevi. Placeat igitur paternitati vestre mihi plus solito pecunia subvenire." MS. Lat. 8653A, f. 9v.

<sup>1</sup> "Cantate Domino canticum novum, psallite in cordis et organo, cum cimbali benesonantibus iubilate (*Psalms* cl. 4, 5), quia filius vester venerabilissimum celebravit conventum, in quo fuit innumerosa magistrorum et scholarum multitudo. Ipse vero querentibus et questionibus absque defectu aliquo satisfacit, nullus ei concludere potuit obiciendo, sed ille universis obiciendo conclusit et nemo fuit qui suis potuerit argumentis instare. Preterea famosum convivium celebravit, in quo tam pauperes quam divites melius quam unquam auditum fuerit honorati fuerunt. Item cum sollempnitate scholas regere celebres iam incepit, vacuavit scholas multorum, et habet plurimos auditores." Munich Cod. Lat. 23499, f. 6v.; MS. Lat. 8654, f. 11; British Museum, Cotton MS. Vitellius C. VIII., f. 94v.

<sup>2</sup> "Celebravit conventiculum, non conventum, in quo sedit tanquam hircus in cathedra et rabbi (MS. arabbi) fuit derisorie appellatus, quia non erat puer qui sibi de quolibet sophismate non concluderet manifeste et ipse in obiciendo procedere non sciebat. Invitati autem ad convivium taliter comederunt quod non habuerunt voluntatem bibendi. Item incepit regere cum quibusdam conductitiis et novitiis, quia nullum valet habere profectum nisi velit illum pretio numerario comparare." Ibid. (Cf. the *Novissima Rhetorica* in Gaudenzi, *Bibliotheca Juridica Medii Aevi*, II. 273, 282). This is followed by an ac-

stances at least three lectures a day and expecting soon to excel their professors as well as their fellows.<sup>1</sup> The *dictatores*, however, were well acquainted with other types of academic youth, who needed to be reminded that reward came, not from having been at Paris, but from profitable study there,<sup>2</sup> and many are the forms of warning or reproof that they have left us. Buoncompagno indeed has a rebuke for him who studies too much—who rises before the morning bell, is first to enter and last to leave the schools, spends the day in his room reading, ponders his lectures at meal-time, and even reviews and argues in his sleep—but he significantly adds that the same letter may be addressed in irony to one who studies too little.<sup>3</sup>

Letters to fellow-students occupy a considerable place in these collections, but they are confined for the most part to messages of condolence, introductions, requests for news, protestations of friendship, and similar commonplaces.<sup>4</sup> We also find students urging friends to join them at the university,<sup>5</sup> arranging to make the jour-

count of a candidate who answered satisfactorily the question set him, but, to the amusement of the audience, proved unable to explain a proposition which he himself had propounded to others.

<sup>1</sup> "Scolas commaneo frequenter, omni die ad minus tres lectiones mihi utiles a magistro et sociis audiendo, et spero dum ad partes natales rediero quod tantum profecerim quod non solum meos coetaneos sed etiam quosdam meos magistros in facultate scholastica valeam superare." Munich Cod. Lat. 2649, f. 50.

<sup>2</sup> Philippe de Harvengt, in *Chartularium Universitatis Parisiensis*, I. 53; Konrad von Mure, in Rockinger, *Briefsteller und Formelbücher*, 440; Wolfgang of Altaich, in Pez, *Thesaurus Anecdotorum*, VI. 2. 185, and Berlin MS. Lat. oct. 136, f. 112.

<sup>3</sup> "Littere quibus notantur gravamina que possunt de nimietate studii provenire. . . . Dicitur autem quod ante pulsationem initialis tintinabuli surgis preter consuetudinem ad legendum, in ingressu scholarum es primus et ultimus in regressu; postquam autem reverteris ad hospitium diem totum continuas in lectionibus quas audisti; immo, quod plus est, variis cogitationibus dum comedis anxiaris, et etiam in sompno, in quo animalium virtutum quies esse deberet, sub quadam imaginatione disputas et lectiones repetis dormiendo." Then, after describing the student's neglect of his personal appearance, he adds: "Nota quod premissa narratio destinari potest etiam illi qui *huc* et illuc vagatur et studere contempnit, et dicitur hoc species ironie in qua delinquens efficitur maiori pudore." Munich Cod. Lat. 23499, f. 4; British Museum, Cotton MS. Vitellius C. VIII., f. 93.

<sup>4</sup> These are particularly common in the various redactions of Bernard de Meung. Thus: "Socius socio consolans eum de morte socii sui" (MS. Lat. 1093, f. 62); "Socius sociis suis ut latores presentium secum in hospicium habeant" (British Museum, Add. MS. 8167, f. 179v.); "Socius amico suo" for news (Munich Cod. Lat. 96, f. 38); etc.

<sup>5</sup> Ponce de Provence in MS. Lat. 18595, f. 24v. Bernard de Meung in MS. Lat. 1093, f. 61v. (also British Museum, Add. MS. 18382, f. 94v.; Cotton MS. Vitellius C. VIII., f. 140): "Tuam ergo commoneo caritatem ut, relicta soli natalis dulcedine, mature te conferas ad urbem Parisius, ubi florent ambages artium et profunda scientia divine pagine cum decretis." An exhortation to come to Paris is also noted in *Zeitschrift für die Geschichte des Oberrheins*, new series, XI. 34; and in MS. Lat. 14069, f. 185, we read: "Cum igitur circumstancias ville Parisiensis scire meoque rescripto super hiis cer-

ney together,<sup>1</sup> or inquiring concerning the advantages of another place of study.<sup>2</sup> Reference has already been made to the practice of securing rooms through friends already at school; in case of the death or sudden departure of a student his effects were sent home by one of his fellows.<sup>3</sup> At Bologna, at least, it was customary for the companions of a departing student to accompany him on horseback some miles on the way, and we even find outlines<sup>4</sup> of a proper speech of thanks to be made to these *transcursibiles amici*<sup>5</sup> when they turned back. Like his modern successor, the medieval student seems to have been an inveterate borrower. Sometimes it is a book for which he asks, more commonly a loan of money until a messenger arrives from home, and models are not lacking for demanding back the money or the book.<sup>6</sup> We hear of a certain faith-

tificari desideres, innotescat tue dilectioni quod status terre bonus est, vinum et annona pro modico precio sui plenam exhibent ubertatem, magistrorum etiam copia tanta super quod scholarium indigentia supprimatur, et—quid plura referam?—omnia se prospera sociis studere volentibus offerunt et iocunda.” So from Leipzig in the fifteenth century “quidam scribit quodam socio hortando eum ut ocius beanorum spretis inepciis ad universitatem quampiam sese recipere festinet” (Munich Cod. Lat. 14529, f. 357). See also the *Rethorica Poncii* (no place, 1486; Hain, No. 13255), ff. 18, 20, where a friend is exhorted to come to Basel.

<sup>1</sup> See for example the correspondence of two German students planning to study canon law at Bologna, in British Museum, Arundel MS. 240, f. 122. One writes: “Patefecit mihi quorundam relatio quod tue voluntatis in hoc stabiliatur propositum ut ad Bononiense proficiscatis studium postquam estivi fervoris virtus per successionem auctumni fertilis fuerit mitigata.” The other will be glad to have his company; “in crastino beati Michaelis proximo tuum adventum desiderabiliter prestolabor.”

<sup>2</sup> See the MS. just cited, f. 123, and particularly Guido Faba, *Dict. Rhet.* 38, 39, where a student at Bologna is compelled to leave because of the dearth of living and writes for information concerning conditions at Naples. Laurentius of Aquileia (MS. Lat. 14766, f. 119), represents a student at Naples making similar inquiries with respect to Bologna, while a Spanish redaction of Guido Faba (MS. Lat. 11386, f. 56) substitutes Salamanca for Bologna and Paris for Naples in the example cited from the *Dict. Rhet.*

<sup>3</sup> Delisle, *Le Formulaire de Tréguier*, No. 18; cf. also No. 11 and an unpublished letter in the MS. (MS. Lat. Nouv. Acq. 426, f. 9). An analogous letter to a student at Oxford, ca. 1331, is printed in the *Litterae Cantuarienses* (Rolls Series), I. 417, and in the same collection (III. 334) is a long and interesting letter of the reign of Henry VII., written in English and describing the property to be packed and the commissions to be performed for a former student. See also the *Rethorica Poncii* (1486), f. 20v.

<sup>4</sup> “Arenga qua utitur de studio litterali revertens inter illos qui eum causa honoris per aliquot miliaria vel leucas associant in regressu.” *Arenga composite a magistro Petro de Loro*, in the *Liber Epistolaris* of Richard of Bury, p. 25 of the copy in the Bibliothèque Nationale (MS. Lat. Nouv. Acq. 1266). Similarly the *Arenga* of Guido Faba, MS. Lat. 8652A, f. 30.

<sup>5</sup> The phrase is Buoncompagno's. Sutter, *Aus Leben und Schriften des Magisters Buoncompagno* (Freiburg i. B., 1894), 75.

<sup>6</sup> Bernard de Meung, in MS. Lat. 8653, f. 32v.; MS. Lat. 1093, f. 61v.; MS. Lat. 14193, f. 27; Munich Cod. Lat. 96, f. 37. Ponce de Provence, in British Museum, Arundel MS. 514, f. 78; MS. Lat. 18595, f. 24; MS. Lat. 8653, f. 13v.; Arsenal MS.

less Peter who borrowed ten livres *tournois* one first of January and soon afterward quitted Paris for Orleans, where the lender's friends are requested to hunt him out.<sup>1</sup> The regular means of collecting such a debt seems to have been through the bishop of the debtor's diocese;<sup>2</sup> at Bologna, however, the matter was taken in hand by the municipal authorities, who threatened, unless the debt were promptly paid, to make it good from the property of such of the debtor's fellow-townsmen as came within reach.<sup>3</sup>

For obvious reasons, the letters of medieval students do not have much to say of what Mr. Rashdall calls "the wilder side of university life." We find a Paris scholar complaining of the disorders of the schools and expressing fear of personal violence,<sup>4</sup> and a student at Toulouse writes that a certain P., against whom he had been warned before leaving his home in Narbonne, had taken forcible possession of his room and so disturbed him in his work that he would like permission to go home at Easter.<sup>5</sup> At Orleans a young man pleads for help from his father because, having quar-

3807, f. 63; Munich Cod. Lat. 22293, f. 283v. *Dictamen* from Louvain in Munich Cod. Lat. 7082, f. 11v. *Dictamen* "magistri Johannis" in MS. Lat. 16617, f. 224. Formula from Toulouse, in Arsenal MS. 854, f. 223v. Stehle, *Ueber ein Hildesheimer Formelbuch* (Strassburg dissertation, 1878), 9. Munich Cod. Lat. 6911, f. 53; MS. Lat. 14069, f. 201.

<sup>1</sup> "Petrus, meus socius infidelis, cui decem libras Turonensium liberaliter mutuavi prima die Januarii, nunc instantis furtive dimisso studio Parisiensi Aurelianum se transtulit ad studendum. Quamobrem sapientiam vestram, que, etc. (*understand* suplico), quatinus de predicto scolari cautius inquirentes, si eum poteritis invenire michi sine mora vestris litteris declaretis. Nam Parisius proficiscar vel certum nuntium destinabo recuperaturus pecuniam prelibatam vestro auxilio mediante." Laurentius of Aquileia, in MS. Lat. 11384; also with Toulouse in place of Paris and Paris in place of Orleans in MS. Lat. 14174, f. 26, and MS. Lat. 16253, f. 14v. In MS. Lat. 14766, f. 118v., and in the British Museum, Harleian MS. 3593, f. 49, the student has left Paris for Bologna. See also *Bullettino dell' Istituto Storico Italiano*, XIV. 167.

<sup>2</sup> "Clericus episcopo ut cogat clericum reddere sibi pecuniam quam ei concessit." Bernard de Meung, MS. Lat. 1093, f. 57v.; MS. Lat. 8653, f. 31; Munich Cod. Lat. 96, f. 33v. Similarly Ponce de Provence, in British Museum, Arundel MS. 514, f. 83; ib., Add. MS. 8167, f. 172v.; MS. Lat. 8653, f. 15v.; MS. Lat. 18595, f. 28v.

<sup>3</sup> Guido Faba, *Dict. Rhet.* 97, 98, *Epistole*, 33. This is confirmed by the *Statuta Populi Bononia*, ed. Frati, II. 24, 29-32. On the collection of the debts of Bolognese students see also Giraldus Cambrensis, (Rolls Series), III. 289.

<sup>4</sup> "Cum ad presens intentus esse deberem studiis, urgencia me protrahunt negotia bellorum quorundam, scilicet scolarium nephanda atque maligna perversitas qui studia dissipant, et timor cottidianus ingenium meum distrahit, quem habere me cogit anxietas de insultacionibus malignorum." Munich Cod. Lat. 6911, f. 54.

<sup>5</sup> "Venerabili et discreto viro domino P., nobili burgensi Narbone, anchore spei sue, B. eius clericus, suus in omnibus. . . . Quando a vestra dominatione recessi, mihi districtius precepistis ut P. societatem spernerem quantum possem; sed tanquam indiscretus vestrum salubre consilium non perfecti. Iustum est ut de hoc sentiam aliquod contra velle: ipse nanque P. tam inique facere non expavit quod proprium cameram dimittere sum coactus, et quosdam socios meos oportuit facere illud idem, ita quod nunc cum filio

relled with a certain youth, as the devil would have it, he struck him on the head with a stick, so that he is now in prison and must pay fifty livres for his release, while his enemy is healed of his wounds and goes free.<sup>1</sup> That the pranks of students were not always severely judged we may perhaps infer from the letter of a professor of law at Orleans to a father at Besançon in which it is said that while no doubt the man's son G. was one of a crowd that had sung a ribald song on an organ, the matter was of no importance, as the young man's general record was good and he was making excellent progress in law.<sup>2</sup> Naturally, too, the examples of parental reproof have something to say of the evils of the time, particularly gambling and riotous living,<sup>3</sup> but in general the formularies reflect the more virtuous side of student life, and for a more ade-

domini et cum quibusdam mercatoribus de comedere in eo est. Unde cum occasione societatis predicti P. aliquantulum sum turbatus et quasi a studio deviatu, dominationi vestre supplico precibus subiectivis quatinus mihi dignetur declarare, si vobis placet, quod ad vos venire debeam in proximo festo Pasche." Formulary from Toulouse, Arsenal MS. 854, f. 232. A student makes a similar complaint of having been driven from his room in Munich Cod. Lat. 6911, f. 55, and MS. Lat. 14069, f. 181.

<sup>1</sup> "Cum essem nuper Aurelianus, pater karissime, rixatus fui cum quodam iuvene, sicut diabolus ministravit, et ipsum demum percussi cum baculo super caput, et propter vulnus sibi factum fui in Aureliani curia carceratus. Liberatus est quidem iuvenis et sanatus, et a me petunt pro expensis illius in banno curie libras Turonensium quinquaginta, nec antequam solute fuerint possum evadere carcerem supradictum." Ponce de Provence, in British Museum, Arundel MS. 514, f. 74; MS. Lat. 18195, f. 20v.; MS. Lat. 11385, f. 70v.; MS. Lat. 8653, f. 12; Arsenal MS. 3807, f. 59v.; Troyes, MS. 1556, f. 17v. Similarly Laurentius of Aquileia, MS. Lat. 16253, f. 13.

<sup>2</sup> "Talis professor legum actu legens Aurelianus, laudabili viro P. civi Bisuntino salutem cum dilectionis amplexu. Lingua tertia multos perdidit, ut scriptura perhibet sacrosancta (*Ecclesiasticus*, xxviii. 16). Proinde non debetis aurem inclinare credulam linguis obloquencium qui fame filii vestri G. mendoso (MS. mendenso) satagunt derogare susurro. Constat enim non fuisse diem profestum sed aprime festivum quo idem G. nec non plurimi scolares [et] organis armonicis decantantur de scorto. Prorsus nihil est, cum ipse commendatur super mentis et corporis celibatu. Non igitur a prefato manum vestram pro linguis obtrequantium retrahatis, scientes quod in utroque iure proficit elegantius." MS. Las. 8653A, f. 10. What is meant by the contrast between "diem profestum" and "aprime festivum," I am unable to say.

<sup>3</sup> E. g.: "Lupanar in scolis et ludum exerceas alee, litteralis scientie profectum abhominans"—British Museum, Cotton MS. Vitellius C. VIII., f. 141. "Nam omnino labore scolastico postrigato tempus tuum et alia que habes consumis, ut dicitur, pilas, Dianam, et meretricia frequentando"—letter to student at Orleans, MS. Lat. 15131, f. 180v. Cf. also Guido Fabi, *Dict. Rhet.* 3, and the Bohemian collections of the fourteenth century analyzed by Palacky in the *Abhandlungen der königlichen böhmischen Gesellschaft der Wissenschaften*, fifth series, II. 259, and by Schlesinger in the *Mittheilungen des Vereins für die Geschichte der Deutschen in Böhmen*, XXVII. 16. See also Mathieu de Vendôme, ed. Wattenbach, 620-621.

The formularies have very little to say of the more innocent amusements of students. Examples of this sort are the refusal of a scholar's request for a dog, lest it furnish him occasion for waste of time (*Liber Epistolaris* of Richard of Bury, MS. Lat. Nouv. Acq. 1266, p. 81; also in a Cistercian formulary, MS. Lat. 11384, f. 195), and the request



quate portrayal of its vice and violence we must turn to the records of courts, the Goliardic literature, and the vigorous denunciations of contemporary preachers.

It is evident from this brief examination of the letters of medieval students that their correspondence has to do chiefly with the commonplace and everyday aspects of life at the school and university, and that in substance, though not in form, much of it would be almost as representative of the Harvard or Yale of to-day as of medieval Orleans or Bologna. Lambskin cloaks and parchment, the glossed doctrinal and the inception banquet, belong plainly in the Middle Ages and nowhere else, but money and clothing, rooms, teachers and books have been subjects of interest at all times and in all places. This characteristic of the letters is in some respects disappointing—we might have known quite independently, it may be urged, that the medieval student wanted money and tried to extort it from his father, borrow it from his fellows, or beg it from others; we might have known that they were robbed by highwaymen and rebuked by their parents. What a pity that out of such a mass of letters there are none that tell us in simple and unaffected detail how a young man studied and how he spent his day! To all this the answer is that under the conditions then prevailing very few such letters could have been written, and, if written, there was no reason why a matter of such individual and temporary interest should be preserved. It was precisely because they were trite and banal, because they voiced the needs of the great student body everywhere and always, that these letters and models were considered useful to others and hence were copied and kept. It is certainly worth something to us to know what were the commonplaces of existence in the schools of the Middle Ages, and to realize more vividly those phases of student life which we might otherwise lose from view. One may, of course, easily be deceived by the modern atmosphere with which such letters, read without reference to other sources of information, surround the medieval student, and yet from one point of view their value lies just here. The contrasts between the Middle Ages and the nineteenth century are broad and striking, in univer-

for the loan of a horse to ride on St. Nicholas' Day at Oxford: "Constanciam vestram quam diligo cordis et anime puritate deprecor incessanter quatinus equum vestrum in honore sancti Nicholay equitandum dignetur vestra dilectio mihi accomodare, super quem honorifice valeam equitare." Bodleian, Auct. F. 3. 9, f. 427. (fifteenth century). On the feast of St. Nicholas—the patron saint of scholars—as celebrated in the schools of St. Denis, see the forms printed by Hauréau, *Notices et Extraits de quelques Manuscrits Latins*, IV. 276. A letter entitled "Scolaris patri significans se eligendum episcopum puerorum" (Stehle, *Ueber ein Hildesheimer Formelbuch*, 9) seems to allude to the same occasion.

sities as well as in the world at large, and we need to be reminded again and again that the fundamental factors in man's development remain much the same from age to age and must so remain as long as human nature and physical environment continue what they have been. A just historical view requires accurate appreciation of both the constant and the varying elements in the history of civilization; the present article may perhaps serve to illustrate something of their relative importance in the life of the medieval student.

CHARLES H. HASKINS.

VOL. III.—16

## THE PRUSSIAN CAMPAIGN OF 1758<sup>1</sup>

### II.

Bernis  
admirable an  
Boyer's letter  
THE repeated disasters of the French arms were no surprise to Cardinal Bernis. With the low opinion which he held of Richelieu and the other generals nothing else could be expected by him, but if their repeated failures vindicated his own claims as a prophet, they multiplied his cares as a minister. Hence he began very early in the year, before Crefeld, even before the retreat over the Rhine, to agitate for peace. In long letters to Count Stainville and Kaunitz he set forth the dark aspect of affairs; urged the hopelessness of all plans for wresting territory from the king of Prussia; suggested the mediation of Holland, Spain and Denmark; and while protesting his perfect loyalty to the treaty or treaties of Versailles, insisted that the next campaign ought to have no other object than an honorable peace. As an honorable peace he was willing to regard one which exacted no other sacrifice from Frederic than the restitution of Saxony and Mecklenburg.<sup>2</sup> Some of the grounds for his depression were the danger of the colonies, the state of the finances, the unpopularity of the war, the unfitness of the generals, the difficulty of getting the Netherlands and the apparent invincibility of the king of Prussia. But Bernis was not systematic or consistent even in his efforts for peace. He professed in general to speak only for himself, held a different language to Stahremberg and discredited his own cause by the peevish and unmanly tone of his letters. Hence the court of Vienna, while consenting to a reduction of the annual subsidy due from France, insisted resolutely on the prosecution of the war. Louis XV. and Madame de Pompadour were not less firm. The new treaty between England and Prussia was an open challenge to the other side, and the confidence even of Bernis seemed for a time to be revived by the failure of Frederic at Olmütz and the vigorous measures taken by Belleisle to restore the credit of the French arms.

Early in the year it had been arranged that the army of Soubise should be dispatched to Bohemia. But in consequence of Cler-

<sup>1</sup> Copyright, 1897, by Mary McArthur Tuttle.

<sup>2</sup> To Stainville 14 January, 7 April; to Kaunitz 17 March 1758. Schaefer, II. i. 525-527, *Einige neue Actenstücke*, 54 seq., *Mém. de Bernis*, II. 43 seq., 413, 418, etc. The influence of Austria had lately procured Bernis the cardinal's hat.

mont's retreat behind the Rhine the plan was given up by mutual consent<sup>1</sup>; and on the advice of Belleisle the corps was ordered to return to Hesse, where it could again live at the cost of the enemy, and make a useful diversion in favor of Clermont. When the news of the battle of Crefeld reached Paris orders were sent to hasten its departure. It set out therefore from Hanau, where it had been re-organized and strengthened, on the 9th of July, and two weeks later occupied Cassel. The few battalions of Hessian troops, mostly militia, were unable, though they made one gallant fight near Sondershausen, to hold the field against twenty-five thousand; the landgrave became again a fugitive; and the French settled themselves securely in the defenceless country. This alone was embarrassing to Ferdinand, but at the same time the enemy before him began also to act. Clermont had just turned over the command to the Marquis of Contades, the senior lieutenant-general, a tried soldier of excellent character, but unendowed with genius and destitute of friends at court. The army had been reinforced, and the new commander promptly took the offensive. His movements were conducted with considerable skill. He offered battle once and declined it once; but having the advantage of numbers tried to get between Ferdinand and the Rhine, and sent out detachments to destroy the bridges. If he failed in these ends, he accomplished his main purpose; the allied army was steadily forced back; and it was even reckoned to the credit of Ferdinand that he was able to extricate himself from the net spread by the enemy and recross the Rhine near Emmerich without serious loss. The crossing was completed on the 10th of August. The garrison of Düsseldorf also escaped. The prince next fell back to Coesfeld, between the Rhine and the Ems, where the English auxiliary force joined him, and where he proposed to make a stand for the defence of Westphalia. But Contades also crossed the Rhine a week later, was himself reinforced by a corps of eight thousand Saxons, and pushed on to complete the work.<sup>2</sup> The situation was critical for Ferdinand; and the Hanoverian ministers, already alarmed by the forays from Soubise's army, were now thrown into a panic.

Even more sinister was the news which came from the east. Since the fall of Königsberg half a year had elapsed; and although the Russians had not been very active, they had also not been idle. The occupation of Preussen completed, they next took possession of the line of the Vistula from Thorn to Elbing; in complete indiffer-

<sup>1</sup> See Arneth, V. 383.

<sup>2</sup> G. S., II. 134-135, estimates Ferdinand's strength, after the arrival of the English contingent, at 50,000; that of Contades at 75,000; and that of Soubise at 25,000.

ence to Polish neutrality the space between the Vistula and the Warta was next traversed; and while the main army made its leisurely marches, the Cossacks and other light troops shot out into Pomerania in search of plunder and adventure. It was now the month of July. The natural sluggishness of such an unwieldy army with its imperfect organization and inadequate trains, the timidity or indolence of Fermor himself, the difficulty of finding supplies in so thinly peopled a country as Poland, and controversies about the eventual line of operations to adopt—all these explain without excusing the extreme procrastination of the Russians.<sup>1</sup> But they had as yet no resistance from an enemy. The only available Prussian force, the army of Pomerania, now under the command of Lieutenant-General Dohna, though it raised the siege of Stralsund when Fermor crossed the Vistula, and releasing the Swedes, turned against the more dangerous foe, numbered less than twenty thousand men, and was too weak for open battle, or for any service except disputing the passage of the Oder, and checking the forays of the Cossacks. Accordingly, Fermor crossed the Warta, as he had crossed the Vistula, unopposed; and early in August re-entered Prussian territory near Meseritz. This movement seemed to indicate a plan to pass the Oder near the city of Frankfort, and then perhaps to reach out a hand to the Austrians. Dohna hurried up the stream to offer such resistance as he could. But Fermor changed his course; re-crossed the Warta; and along the right bank of that river moved directly upon the fortified city of Cüstrin, the chief obstacle that stood between him and the capital of the Prussian kingdom.

This town lies on an island formed by the river Oder and the two arms into which the Warta divides shortly before its junction with the Oder. The works, which entirely enclosed it, though antiquated in style, were still of considerable strength, and able to delay if not to thwart the designs of an enemy. A bridge connected the city with the left or west bank of the Oder, where there was a considerable suburb. The only approach to the fortress from the east was along a narrow causeway built through swamps and morasses, and of course easy to defend in case of an attempted assault. But an assault did not enter into the Russian plans. When on the fifteenth of August Fermor's army came within sight of the city, the few Prussian troops posted in and about the suburbs hastily retired behind the walls of the fortress; whereupon the

<sup>1</sup> A detailed and seemingly accurate journal of Fermor's movements is in Tielcke's *Beiträge zur Kriegskunst*, Vol. II. The author, a Saxon officer, served with the Russians.



enemy being without heavy guns which could hurt the works themselves, began a fierce and indiscriminate cannonade with their field pieces, soon set fire to the unhappy town, and destroyed it almost to the last house. There was little or no loss of life. The inhabitants fled across the Oder with what they could hurriedly save from the flames; but the smoking ruins of Cüstrin told a bitter story, which the Prussian soldiers and the Prussian people long remembered. In the course of the following days the Russians made considerable progress toward the works themselves, which were uninjured. Trenches were opened and batteries were placed as advantageously as possible; while lower down the river preparations were made for throwing a bridge across, in case it should be deemed advisable to push on to Berlin before the siege was concluded. Dohna, who had promptly returned from Frankfort, had his little force judiciously disposed on the opposite side of the stream. In the irregular wooded country east and north of the ruined town, on a line several miles long, lay the Russian host, ill-fed, ill-disciplined, impatient for action, and overwhelming in numbers, an enemy whose cruelties excited in the households of Prussia the wildest feelings of horror and alarm.

This was the situation when Frederic came to the rescue. After the retreat from Olmütz he had remained about two weeks in the neighborhood of Königrätz, ready and even anxious for a battle if it could be had on reasonable terms, yet compelled to choose his positions with the utmost care lest he be taken at a disadvantage. Daun pursued his usual tactics with his usual skill. In the course of the intricate manœuvres Frederic managed to send his trains and heavy guns and wounded back to Silesia in charge of General Fouqué; and early in August he followed with the rest of the army, reaching Landshut on the ninth. Two days later he set out with fourteen thousand men for the Oder. His original plan was to join forces with Dohna at Crossen, and to give battle to the Russians in that neighborhood, toward which it was supposed they were advancing; orders were issued, money was spent, and time was lost in consequence of this error, which was excusable. But on the way it was learned that Fermor had turned to besiege Cüstrin, and Frederic could only follow Dohna down the river to the real point of danger. On the twenty-second of August, after a march of one hundred and fifty miles in eleven days, the weary troops reached Gollgast, a village two or three miles west of Cüstrin. Frederic himself with a small escort had arrived the day before.

The course of action which he now adopted was marked by even more than his usual audacity, and is perhaps explained by the con-

Burning of  
Cüstrin.

Frederic  
marched  
and fought

temptuous opinion which he had of the Russians as soldiers. According to his delusion Fermor's army was little more than a horde of nomads, who would fly before the first onset of civilized troops. He seems to have been impatient with Dohna and with the commandant of Cüstrin, and to have treated them with rudeness, because they had not acted on the same assumption and thrown caution to the winds. It is stated that Keith, who had served with the Russians, warned Frederic not to underrate their fighting powers.<sup>1</sup> Lloyd had a very high opinion of their infantry, which he held to be superior to any other in Europe.<sup>2</sup> This was an exaggeration, for the Russian soldiers were deficient in intelligence and in dash or *élan*; yet it was a pardonable exaggeration, since even in 1758 they were known for a certain iron tenacity, a certain fatalistic desperation, which in great crises made them the most obstinate of enemies. But all this Frederic refused to believe. His chief concern was lest the Muscovites should escape; and accordingly he adopted tactics designed to make their retreat difficult in case they should lose the day, hoping thus to annihilate as well as to defeat them. Instead of marching through Cüstrin, therefore, and attacking them directly in front, he proposed to get into their rear, or at least between them and their natural line of retreat, before offering battle. This involved a very wide detour and the construction of a temporary bridge over the Oder. Güstebiese, a point some fifteen miles down the river, was chosen for the crossing; the march of the troops began in the night of the twenty-second; the pontoons were easily laid the next morning; and without any interruption from Fermor, who refused to believe the reports of his own scouts,<sup>3</sup> the little army safely passed over to the right bank of the stream. The following day at noon the march was resumed, the general direction being southeast. One might say that this completed the second quarter of the great circle which the Prussians were describing about the enemy. Along the whole route travelled by the army since crossing the Oder stories were heard of the ravages of the Cossacks. Peasants came into camp crying to the king for protection. Even the stern heart of Frederic was touched with pity by these sufferings, but with this was mixed a feeling of horror and indignation toward the authors of them; so that while he consoled the victims with friendly words, he also assured them that relief and revenge were near. Toward evening of the twenty-fourth the army reached the little river Mietzel, a tributary of the Oder, where with the right

<sup>1</sup> See Varnhagen von Ense, *Ausgew. Schriften*, XIII. 141.

<sup>2</sup> Lloyd, I. 145, 146.

<sup>3</sup> See Masslowski, II. 153. This is contrary to the usual version, which makes the Russians entirely ignorant of Frederic's movements.

resting on Darmietzel it passed the night. The next day the battle was expected. At nine o'clock of that anxious night, while the tired soldiers were sleeping beneath the August sky, and the sentries were vigilantly pacing their rounds, Frederic threw off his many cares, turned quietly to letters, and composed an imitation or variation of one of the most exquisite odes of J. B. Rousseau.<sup>1</sup>

In the meantime Fermor had changed his own position to suit the supposed designs of Frederic. Suspecting that the passage of the Oder would be attempted at Schaumburg, he formed his army in order of battle between the village of Zorndorf and the Mietzel, with its right resting on that stream and the front towards the west, that is, toward the quarter whence the enemy was expected. But Frederic's march on the opposite side of the Mietzel had carried him completely around Fermor's right and to a point practically in his rear some distance higher up the stream. His plan now included a further movement in the same direction. Before daybreak the next morning the foot crossed the Mietzel at Neu Damstadt mill, and burning the bridges behind them, proceeded in two columns to complete the third quarter of the circle, the course being south and west or toward Cüstrin; while the cavalry, passing the stream still higher up, and thus making a still wider detour, tended toward the same quarter. About eight o'clock the several divisions came together at the edge of the great wood through which they had marched; were skillfully fused into two columns; and then pursued their way westward to the open ground between the Warta and the Mietzel. As formed for action the Prussian army had its right on the village of Wilkersdorf, and the line stretched thence westward behind Zorndorf to the Drewitz forest on the left. It faced nearly due north. The tactical advantage of this position was that the Russians would have no line of escape if defeated, for the Mietzel was impassable without bridges, and these had been destroyed, while the route toward Landsberg, on the Warta, would be barred by the victorious army of Frederic; the latter, however, could fall back upon Cüstrin in case of disaster. As soon as Fermor discovered the enemy across the Mietzel he completely reversed his order of battle, so that what was his rear became his front, advancing at the same time somewhat toward the east; but when Frederic's march continued, and his purpose became clearer, the Russian commander again adjusted his position until he had a line looking directly south. The Mietzel was in his rear. The army

<sup>1</sup>Deux strophes de l'ode de J.-B. Rousseau au comte de Sinzendorff, corrigées la veille de la bataille de Zorndorf, 24 August 1758, 9 p. m. *Œuvres de Frédéric*, XIV. 175. Voltaire's ridicule of these stanzas perhaps suggested this ambitious attempt at "correction."

was posted on irregular ground, considerably elevated in places and protected by an extensive morass, the Zabergrund, on the right. Colonel Masslowski proves conclusively that the famous *carrée* or hollow square, on which so much ingenious reasoning has been spent, gave way before the battle to the ordinary formation in a first and second line.<sup>1</sup> The effective fighting force was about 42,000 men.<sup>2</sup> There was a deficiency in cavalry, for the best mounted regiments had been sent on an expedition down the Oder, and were cut off from their comrades by Frederic's movement. But in artillery the Russians were very strong. On the other side the conditions were reversed; the Prussians had comparatively few guns, though those which they had were of superior quality, but they had an abundance of cavalry, including some of the most famous regiments of the army. Their total strength was probably about 32,000 men.

The battle which ensued is described in a few words by saying that Frederic's oblique method of attack was this time less successful; that some of the Prussian infantry behaved badly, and that the army was saved from destruction by the regiments of horse which at two great crises Seydlitz opportunely led against the enemy. It was nine o'clock when the action began with a heavy cannonade, the Prussian guns being massed on the left, whence their fire was very effective. Under cover of this, and preceded or accompanied by a battery or two, the vanguard under Manteuffel filed around the burning village of Zorndorf, which the Cossacks had set in flames, and advanced toward Fermor's extreme right, which the king had chosen for attack.<sup>3</sup> The vanguard was to be followed by the infantry of the first line of the Prussian left, which was commanded by General Kanitz. Next was to come the second line, and thus successively, forming and moving *en échelon*, the active columns were to fall upon the Russian right; roll it up as the Austrians had been rolled up at Leuthen; then to turn upon the centre and destroy or force the surrender of an army which in the hour of defeat would have no chance of escape. But Kanitz was either tardy in his movements, or swayed too far toward the right, the result being a dangerous gap between his columns and the vanguard. The Russians saw their advantage. They promptly threw forward the few squadrons of horse stationed on their right, which with wild cries of exultation plunged into the ranks of the ill-formed Prussians. The foot of the first line followed this example, and the second line ad-

<sup>1</sup> II. 166.

<sup>2</sup> Ibid., II. 156, 157.

<sup>3</sup> On the wisdom of this choice there has been some controversy. Cf. G. S., II. 264; Tielcke, *Beiträge*, II. 147 n., etc.

vanced in support. The vanguard was overwhelmed and broken up by the shock ; the battalions hurried forward by Kanitz were repulsed ; twenty-three guns were lost ; and the Russians still pressed onward toward Zorndorf. But their impetuosity proved their ruin. Far around on the extreme left of Frederic's original line sat General Seydlitz with thirty-one squadrons of horse. He watched the progress of the enthusiastic Russians without dismay, for he saw them getting farther and farther from their supports and losing discipline in their mad eagerness. He chose his own time, ignoring it is said even the repeated orders of the king, and when the time came he let loose his troopers, who successfully passed the Zaberngrund, a deep hollow full of obstructions, and fell with terrific force upon the flank of the enemy. Some of the Russian infantry regiments made a good resistance and fought even when falling back. Others showed less steadfastness, and when Seydlitz was reinforced by fifteen more squadrons drawn from the right a panic ensued in the enemy's ranks. They fled to their camp half crazed with fatigue, alarm and thirst ; gorged themselves with brandy from the commissary wagons ; and almost unresisting were sabred down by hundreds. At length, and after the greatest efforts, their officers got the survivors behind an impassable morass, the Galgengrund. The pursuit came to an end. Seydlitz retired behind Zorndorf with his gallant riders, and by noon the battle on this part of the field was over. The enemy's right was nearly destroyed, but his left was still intact, while Frederic saw the infantry of his left broken in ranks and spirits, and his plan of battle ruined.

The king now turned his attention to the other extremity of the Russian line, the left. This was formed by the separate corps known as the corps or army of observation, which under the independent command of Count Browne had only just arrived from Russia, and numbered about 10,000 men. During the engagement of the forenoon Fermor, who was not only the commander-in-chief, but in the division of work had special charge of the right wing, was absent from the field, and left his subordinates to carry on the fight without that unity of action which comes from the direction of a single will.<sup>1</sup> But Browne was a man of different stamp. When Frederic took up the fight in his part of the field, and sent out a battery to cannonade his ranks, Browne ordered forward his cuirassiers, who charged the Prussian right, broke up two regiments of foot of the first line, and penetrated even to the second line, when they were arrested by the fire of heavy guns and a counter-charge of cavalry, and retired to their old position. There they were

<sup>1</sup> Masslowski, II. 174, 175.

reorganized, and, supported by Browne's infantry, again charged the enemy. At first they swept everything before them. As on the left, Frederic's infantry acted badly, could not be kept up to its work, and in some cases refused to obey its officers. Then Seydlitz came again to the rescue. Having collected sixty-one squadrons of horse he charged the eager columns of Browne as he had earlier charged those of Fermor, and with nearly the same degree of success. But the struggle was more desperate. The Russians fought like fanatics; and though they were driven back, the battle degenerated into a hand-to-hand fight between individuals, in which the fiercest passions were displayed on both sides, and scenes of almost incredible ferocity occurred. Browne's military chest was captured, and he himself received a dozen wounds. Toward nightfall, however, the Russians succeeded in rallying a few regiments near the village of Quartschen, which put a check to the further progress of Seydlitz.<sup>1</sup> The cavalry, worn out by its terrible labors and unable to make headway in the swampy ground, fell back to give room for the final attack by infantry, which Frederic ordered about seven o'clock. The attacking force consisted of battalions from both the right and the left. General Forcade bravely renewed the fight with the column which he commanded, without, however, shaking the obstinate firmness of the Russian regiments which Demiku had drawn together. But the rest of the Prussian foot under Rauther again quailed, and could not be brought to face the enemy. With this lame conclusion the day of carnage came to an end.

In the disorder and uncertainty concerning details of this battle it would be hopeless to expect accuracy in the figures of losses. The Prussian staff history puts that of the Russians in killed, wounded and prisoners, including officers and men, at about 21,000; that of Frederic at not much over half as many. It adds that the Prussians took 103 cannon and 27 flags, the Russians 26 cannon.<sup>2</sup> Frederic also had the pleasure of receiving several of the enemy's generals as prisoners of war, and of consigning them to dungeons in the fortress of Cüstrin, because, he told them, all of the houses of the city, which might have afforded them more comfortable quarters, had been destroyed by their orders. Darkness and general exhaustion having put an end to the battle, which had lasted for nine hours, the armies took position for the night. The Prussians slept on their arms behind or just west of the village of Zicher, on which Browne's extreme left had originally leaned, and Wilkersdorf, which

<sup>1</sup> This is insisted on by Masslowski, II. 178, and seems to be confirmed in the brief and not very clear "Relation de la bataille de Zorndorf" of Frederic himself. *Pol. Cor.*, XVII. 191. Cf. Schottmüller, *Die Schlacht bei Zorndorf*, p. 62.

<sup>2</sup> G. S., II. 257. Masslowski, II. 187, reduces the Russian losses to 16,000.



had been the right extremity of their own battle order; the Russians, in front of Quartschen and thence toward the Zabergrund. Each army was thus in a position at right angles to that of the morning; but as the Russians occupied the most hotly contested portion of the field, they had a certain pretext for claiming the victory. The next morning at daybreak Fermor withdrew behind the Zabergrund, which was a protection to his front, while the Drewitz wood was at his back; reorganized his shattered regiments; formed again for battle, and awaited the enemy. Frederic moved toward him, and an artillery duel was engaged across the Zabergrund. But beyond this and a few cavalry skirmishes nothing took place. All through this day, the twenty-sixth of August, the two armies watched each other, both weary, both short of ammunition; the Russians willing to get away without further bloodshed, and Frederic now willing to let them get away. Accordingly early the following morning Fermor got his army under way, and without any interference from the Prussians moved on the arc of a large circle, between them and Cüstrin, to Klein-Camin. Here his heavy baggage, forming an immense wagon train, had been sent several days before, and fortunately had been overlooked by the enemy. At Klein-Camin the army was again drawn up for battle, though its line of retreat was now open. But neither party was more eager to fight than the day before. Frederic shifted his position to Tamsel, near Cüstrin, and allowed Fermor to choose his course. Thus during these few days the two armies had swung completely around each other like partners in a dance; had fought the bloodiest battle of the war; and had apparently gained nothing, each side calling itself the victor.

Yet although the battle was drawn, the campaign was decisive. Cüstrin was saved, and the Electorate was for the present spared an invasion by such rude enemies. The Russian army was not destroyed, but its fighting spirit, or that of its commander, was gone; and after two days at Klein-Camin, it fell back to Landsberg on the Warta, where it remained inactive through the month of September. But for Frederic and his men there was no rest. As was foreseen, the enemies whom he left behind on his departure for Cüstrin hastened to take advantage of his absence, and Prince Henry's situation became critical. The army of the Empire under the Prince of Zweibrücken had been reinforced by Austrian troops until its numbers reached upwards of forty thousand, and early in August it invaded Saxony at several points.<sup>1</sup> It was impossible for Prince

<sup>1</sup> Some estimates put the numbers as high as 50,000; Prince Henry modestly said 38,000. To Frederic, 30 August, 1758. Schöning, I. 252, 253.

Both sides

carried on a

planned

game of war

Results of

Location

favorable to

Prussians

Henry to defend so long a frontier with only twenty thousand men. But he manœuvred obstinately and skilfully for time; kept his little force distributed in chains or groups of well-selected posts, from which they could not easily be dislodged but could quickly be concentrated; expanded or contracted his line according to need; and showed himself alert, vigilant, self-possessed. The superior numbers of the enemy only succeeded in forcing him back from one strong position to another, and he showed his teeth viciously even when falling back. Not being able to defend all of Saxony, he had to choose what he would defend to the last. Frederic had repeatedly enjoined him not to allow himself in any circumstances to be drawn away from the Elbe; and by the nineteenth of August the prince had his forces pulled together more compactly about Gross-Sedlitz, above Dresden. Pirna and the fortress of Sonnenstein were held by him. Soon afterwards the enemy also concentrated on the Elbe. Zweibrücken took up his headquarters at Struppen above Pirna, and a number of bridges thrown across the stream gave ready communication with the right bank. In this situation the two armies faced each other for more than a week. The prince blocked Zweibrücken's road to Dresden indeed; but the eventual outcome of the affair seemed to depend, for both alike, on the plans and movements of the army under Daun.

This officer had won much glory by the bloodless relief of Olmütz, and Belleisle regretted that he could not command on the Rhine at the same time as in Moravia.<sup>1</sup> Even greater things were now expected of him. While his own skilful measures had thwarted one enterprise of Frederic, and Fermor's invasion of the New Mark called him away for another, the Austrian Fabius seemed to have a splendid chance for his favorite policy of carrying on war without fighting. The empress-queen thought a battle might be risked if the marshal should happen to run upon an enemy in the course of his next movements—an audacious conclusion which she supported in a long letter with arguments drawn from the history of Austria and the state of all Europe; it was a characteristic appeal to this master of seventy thousand veteran soldiers.<sup>2</sup> But on one point general and sovereign were agreed. Daun's plan of moving first into the Lower Lausitz and getting there a base for future operations, instead of following Frederic into Silesia, bristling as it did with strong fortresses, found warm approval at Vienna, and was adopted. After the relief of Olmütz, General Deville had been sent with a small force into Upper Silesia to invest Neisse. General

<sup>1</sup> To Stahremberg, 9 July 1758. Arneth, V. 385.

<sup>2</sup> 27 July 1758. Arneth, V. 394-401.

Harsch was now detached in like manner to watch the frontier between Bohemia and Silesia. With the main army Daun then entered Lausitz; reached Zittau the seventeenth of August, where a magazine of supplies was begun; and three days later was at Görlitz. From here he had the choice between three courses of action. He could try an invasion of Silesia, which was protected only by the inferior force of Margrave Charles and Zieten; or co-operate with Zweibrücken in an attempt on Dresden; or push on northward into Upper Lausitz, and possibly toward Berlin, as a more effective diversion for the Russians. It was no part of his plan to have Fermor give or accept battle. He wrote the Russian general a letter warning against such a hazard, but it fell into Frederic's hands, and was ironically answered in Fermor's name after Zorndorf. What Daun preferred was a game of shuttlecock, with Frederic madly flying back and forth between two hostile armies, each of which would advance when he turned upon the other, and retreat when he turned against itself, until he was worn out by this fruitless oscillation between two elusive enemies. Frederic had early predicted Daun's movement on Zittau, and had expected the adoption of tactics such as these. "I hope," he wrote, "to defeat either the Russians or the Austrians, whichever party gives me the first chance."<sup>1</sup> But instead of deciding promptly when every hour was precious, Daun remained six days at Görlitz undecided. He sent out detachments in one direction and another, which levied contributions on Prussian subjects, while Loudon captured the little walled town of Peitz in the circle of Cottbus with its handful of invalids. And he corresponded industriously with Vienna.

Finally both Daun and the empress-queen came to the conclusion, and at the same time, that the road to Dresden was the road to glory.<sup>2</sup> The next move accordingly was to Bautzen, in the neighborhood of which several more days were passed and more correspondence was had, alike with the empress-queen and with the commander of the army of the Empire. Daun's plan was to cross the Elbe at Meissen below Dresden, and fall upon Prince Henry in the rear, while Zweibrücken attacked him in the front. Foreseeing such a move, the prince reluctantly gave up his position about Pirna, and in the night of the thirty-first of August fell back to a

<sup>1</sup>To Prince Henry 28 July 1758, while he was still in Bohemia. Tempelhof thinks the common cause would have been better served by Fermor if he had not risked a battle, since the loss of it gave Frederic a chance to thwart Daun's whole plan; I. 235.

<sup>2</sup>Arneth, V. 404. Deference toward France, who through her ministers and ambassadors had never ceased to urge that the release of Saxony, not the reconquest of Silesia, ought to be the first object, may have had something to do with this decision. Cf. Stühr, II. I, 5, etc.

new one nearer Dresden. This delicate movement in the face of a stronger army was effected with the utmost precision, and without the loss of a man. The new line stretched from the heights of Gahmig as a centre to the Elbe on the left and to the battlefield of Kesselsdorf on the right;<sup>1</sup> and in addition to its strength as against Zweibrücken, it had the further advantage that the Prussians could not now be cut off from Dresden by Daun. Pirna, of course, was sacrificed, and with it the Sonnenstein. The army of the Empire, leisurely advancing, stretched itself out along the site of the historic camp of the Saxons in 1756. And then another pause ensued. "I have now to confine myself," wrote the resolute prince, "to defending Dresden and to maintaining myself with honor against two armies, either of which alone is strong enough to require all my efforts."<sup>2</sup> But the discord and procrastination of his enemies gave him relief. Daun had advanced as far as Radeberg, and had his bridges ready to throw over the river, when he received word that Zweibrücken would not take the part assigned to him in the plan, and preferred a combined movement against Dresden from above and on both sides of the river. To the great disgust of Maria Theresa the field-marshal yielded.<sup>3</sup> He moved his army by Radeberg to Stolpen directly east of Dresden, and not far from Pirna, the headquarters of Zweibrücken. Prince Henry shifted some of his troops about to meet this new situation.

It is needless to say that the time thus wasted by Daun was a precious gain for Frederic. In pursuit or rather observation of the Russians he had advanced as far as Blumberg, and wrote on the first of September that he hoped to push them beyond Landsberg by the sixth, when he would set out for Saxony.<sup>4</sup> But the next day, in consequence of an urgent letter of Prince Henry, he decided to start at once. Leaving some sixteen thousand men under Dohna to keep watch of Fermor, the king returned with the rest to Cüstrin, and thence hastened by almost incredible marches toward the new point of danger. His course lay directly southward through Lausitz to the Elbe above Dresden. On the ninth he was at Grossenhain, where the roads from Bautzen, Torgau and Dresden intersect, and the same day pushed forward to Gross-Dobritz, only a dozen miles from the

<sup>1</sup> Tempelhof, II. 252.

<sup>2</sup> To Frederic, 2 September 1758.

<sup>3</sup> The reason assigned in the text for Daun's change of plan is the one which he himself gave to Mortazel, the French military plenipotentiary (cf. Stühr, II. 22, 27) and is the one which Arneth adopts. But Stainville represents the marshal as reporting to Vienna that the approach of Frederic was the motive. Stühr, II. 23. Daun could have had no news of the king's plans on the third of September, but he might have had news of the battle of Zorndorf, and drawn conclusions.

<sup>4</sup> *Pol. Cor.*, XVII. 204.

capital. Here, at last, while awaiting the enemy's next move, he could give his men a little rest. And here he was finally joined by the margrave Charles, with the troops left behind in Silesia just a month before, a reinforcement indispensable to his further plans, but long delayed by the exasperatingly slow movements of the margrave. Zieten also came, and later Marshal Keith. Although he had to detach five thousand men toward Berlin on account of the sudden approach of the Swedes, and cried out with bitter humor that his foot-soldiers were fast becoming mere postillions,<sup>1</sup> Frederic was now strong enough to feel confident of the issue if he could only get a fair battle. But this was the old problem. It was the same old problem because the king had before him the same cool, wary, cautious general, a general without ambition or enthusiasm, content to forego the personal renown which comes from dash, energy and enterprise, while he served his mistress in his own obstinate manner. Daun had no intention of giving up his position at Stolpen to please Frederic or to show his courage. He called in Loudon from Görlitz, and constructed an impenetrable abatis in front of his camp. In this secure shelter Daun sat a whole month, indifferent to all the manœuvres and challenges of Frederic, to the impatience of the empress-queen, to the appeals and exhortations which reached him from the camps of the allied armies. The great advantage of this unheroic policy was that it permitted Generals Harsch and Deville to prosecute the siege of Neisse without interference from Frederic.

*Daun's back  
detached Frederic*

HERBERT TUTTLE.

<sup>1</sup> Frederic to Prince Henry, 14 September 1758.

## THE PROPRIETARY PROVINCE AS A FORM OF COLONIAL GOVERNMENT

### III.

THAT the transfer of European institutions across the Atlantic occasioned profound and even revolutionary changes in their character, was made evident by our study of the corporate colony of New England. The statement is true, though not to the same degree, of the palatinate. It underwent serious change when it was developed into the proprietary province. A comparison between the province and its medieval progenitor would reveal the fact that, though fundamentally and in outline the same, yet in details of organization they were in very many respects unlike. Differences would appear in the land system, in the official system, in local subdivisions and government, in the administration of affairs in all their departments. The province was by no means an exact reproduction or copy of its original. It was rather the result of a development upon lines broadly suggested by the palatinate. The offspring, if a filial relation in any sense could be affirmed, grew to maturity under physical and social conditions which were very different from those to which the parent was subjected, and corresponding variations of type were the result. This becomes especially clear when we consider the legislature. The medieval palatinate either had no legislature at all, or possessed one in the rudimentary form of the feudal council or *cour de baronie*. But we find the American palatinates, either immediately or within a generation after their establishment, developing legislatures which became not only a permanent, but an increasingly important part of their political systems. Remoteness from England and the impossibility of otherwise securing an adequate revenue made them a necessity. English custom, the trend of English historical development, told almost, if not quite, irresistibly in their favor. Except in the case of New York, the home government sanctioned the establishment of legislatures by the permissive clauses respecting them which were introduced into the charters. Social pressure within the provinces in favor of their establishment was so strong that even the Duke of York, though in a position which made the upholding of the prerogative especially easy and desirable, could not long resist it. From none



of the other post-Restoration proprietors was opposition to the establishment of a legislature to be expected. Penn, especially at the outset, regarded that institution with peculiar affection.

But it is specially to be noted that formally and legally the legislatures in the proprietary provinces were the creation of the proprietors. They were not imposed or even guaranteed by the crown. The language used concerning them in the charters was not mandatory, but permissive. Its meaning was not "he shall," but "he may" legislate, and seek the advice of the freemen or their deputies for that purpose. It was left to the option of the proprietor to determine when, where and how he should exercise this power. The language of the documents implies that the proprietor could legally have refrained altogether from exercising it. It also implies that a legislature was not contemplated as an original and necessary part of the provincial organism. Its origin, that is, is not to be found in the natural or pre-existent rights of Englishmen. The existence of parliament in England did not legally necessitate the existence of assemblies in her colonies, though it greatly increased the difficulties of governing them without assemblies. The legislatures in the provinces then, like all the other organs of their government, developed as the result of social and political causes operating upon the proprietors and in the provinces themselves. Events at once showed them to be the instruments of government which were indispensable to proprietors as well as provincials, and about their development center the events of greatest interest in the history of the provinces. Their study reveals not merely a new phase in the history of the fief, but the operation of forces which were to transform the fief and thus open the way to the growth of modern democratic institutions. The rise of assemblies in the Anglo-American colonies is a fact of profound significance in the history of the world. Its importance will be seen by anyone who takes the trouble to compare events as they occurred in these colonies during the seventeenth century with the trend of historical development at that period, especially on the European continent. It will be my object in this, the concluding paper of the series, to trace the process of their development in the proprietary provinces through its earlier stage.

The form of the legislature in the corporate colony was determined by the organization of the general court of the trading company from which it developed. The form of the general assembly in the province was determined by the concessions of the executive and by the form which the executive had assumed when the legislature reached its full development. The first step towards calling a general assembly was taken by the proprietor, who, if he was not in

the province, instructed his governor to issue writs of election, with such other summonses as might be necessary. The electors to whom these writs were issued were not freemen in the technical sense of being members of a corporation, but were such in the broad and general sense. In the beginning they were literally free men, but the law soon came to define them as freeholders. When met in normal form the legislature consisted of the governor, the council and the assembly or deputies. The latter, who were sent by the localities, constituted the only representative part of the legislature. Its other elements were, as a rule, appointed, were a part of the executive, and were in existence before the legislature met. In both tenure and functions they were legally independent both of the deputies and of the electors. They held their offices at the pleasure of the proprietor, and were or might be guided by his instructions. Engaged as they were in the permanent work of government, they would naturally be swayed by a regard for the interests of the proprietor and by some sense of administrative traditions and needs. Though a component of the legislature the council was also the legal adviser of the governor and through him of the proprietor. As the governor, unless specially limited by law, had the sole power of calling, proroguing and dissolving the general assembly, the council might advise him in such a way as to destroy the body itself or thwart its plans. The joint work of the council and assembly was subject to the veto power of the proprietor or of both the proprietor and his governor. The legislature of the province then differed widely from the general court, though in practice this was somewhat offset by the fact that in the New England colonies the magistrates were in the majority of cases re-elected for a long series of terms. In the province, as in the kingdom, the legislature was in a sense an expansion of the executive, developed out of it and was to an extent controlled by it. Out of this relation arose the possibility of conflict between the two parts of the legislature, that which represented the people and that which represented the proprietor. But we have been describing the general assembly in its normal and regular form. In few of the proprietary provinces did it attain this form at once, in some not at all. It will now be necessary to show through what changes of organization the legislatures of these provinces passed in the early years of their history. In connection with this the degree of influence which the proprietors exerted or attempted to exert over the legislatures will appear. Owing to lack of space it will be impossible in this article to consider the legislatures of any of the provinces except Maryland, Carolina and Pennsylvania.

The policy of the first proprietor of Maryland apparently was to call assemblies frequently, but to control their proceedings by retaining in his own hands the exclusive right to initiate legislation. Not until the close of the disturbed period of the Commonwealth and the restoration to Lord Baltimore of the powers, the exercise of which had been suspended at the advent of the commissioners of Parliament, did the legislature of Maryland assume its final and permanent form. In its early sessions it consisted of only one house, and that was variously organized. Until 1658, so far as the legislature was representative, the hundred was the unit of representation; but the representative element in the body throughout those years was decidedly fluctuating. For the general assembly of January 1638—the earliest whose records have been preserved—both personal writs and writs of election were issued, but the only one which has been preserved was that directed to Captain Evelyn,<sup>1</sup> commander of Kent Island. It commanded him to assemble the freemen of that locality and to persuade such as he should think fit to attend in person; the others he should authorize either to go themselves or to elect and send deputies. It was left wholly to the freemen to decide how many deputies they would send, but a record of the election and of all else which was done should be returned to the secretary of the province. The assembly was attended by the governor, the members of the council, the commander of Kent Island, one of his council, two other officials, together with twenty gentlemen and planters and one artisan, all of whom came in response to writs addressed to them personally. The rest of the freemen, so far as they took any action at all, sent proxies, and many of the proxies were held by officials. Those who did not appear either in person or by proxy were fined. Freemen were admitted to seats every day till the close of the session, and the membership roll of the assembly was never closed. The body seems not to have contained a single representative; it was substantially a primary assembly with the governor as its president. Though summoned in a different way, it to an extent resembled the New England court of election.

But in the legislature of February 1639 the above model was almost wholly abandoned. Elections were held in nearly all the hundreds and the assembly which resulted was largely representative. Individual writs were apparently sent to only three besides the members of the council. Two were admitted without election or special writ.

From this time until 1650 the legislature of Maryland fluctuated

<sup>1</sup> *Arch.*, Assembly, 1638 to 1664, p. 1.

in its organization between the primary and the representative form, while a small proportion of the members attended in response to personal writs. The general assembly of October 1640, which was continued by prorogation until March 1642, was almost wholly representative. The councillors were personally summoned,<sup>1</sup> Thomas Cornwallis sending an attorney or proctor in his stead. But in March 1642, possibly because of the religious dissensions<sup>2</sup> then beginning in the province, writs of election which had already been issued were superseded by a proclamation of the governor requiring all freemen either to attend personally or to send proxies. This was obeyed, and the legislature which resulted was organized substantially as that of 1638 had been. In July 1642 writs of election were issued,<sup>3</sup> and personal writs were sent to nine individuals. Elections were held and burgesses returned from all the localities of the province. No proxies seem to have been sent to this assembly save one or two by those who were personally summoned. A natural result of the adoption of this form of organization was the proposal made by Robert Vaughan in the name of the burgesses, that the general assembly should be divided and the representatives sit by themselves and have a negative voice; but the governor would not agree to it. The unsettled condition of affairs was again shown when a new general assembly was called in September 1642. Under the authority of the governor's proclamation the proxy system was entirely restored.<sup>4</sup> In this body there seem to have been no representatives. Persons to the number of 182 were entitled to seats, of whom 18 were individually summoned, 88 attended without personal summons or sent proxies, and 76 were fined 20 lbs. of tobacco each because they failed to be present. The proxy system seems to have been retained till 1644.<sup>5</sup> Records of the sessions between April 1644 and December 1646 are lacking. The general assembly of the latter date contained burgesses, and one would infer from the fragmentary record which remains, that it consisted of two houses. But in January 1648 the representative system<sup>6</sup> was again abandoned, and in that body there is no trace even of personally summoned members. The general assembly held by Governor Stone in April 1649, the same one which passed the famous act concerning religion, seems on the other hand to have consisted of council and burgesses.<sup>7</sup> In the proclamation by which the assembly of April 1650 was summoned, it was left to the option of the freemen to

<sup>1</sup> *Arch.*, Assembly, 1638 to 1664, p. 89.

<sup>2</sup> *Ibid.*, pp. 114, 115.

<sup>3</sup> *Ibid.*, p. 129.

<sup>4</sup> *Ibid.*, p. 167. Bozman, II. 232.

<sup>5</sup> *Ibid.*, pp. 201, 205, 209.

<sup>6</sup> *Ibid.*, p. 214.

<sup>7</sup> *Ibid.*, p. 238 *et seq.*

choose delegates or to attend by proxy.<sup>1</sup> All the hundreds now showed their preference for the representative system by electing burgesses. This legislature did not stop there, but as soon as it met organized in two houses and passed an act confirming what it had done. This, as it proved, committed Maryland permanently to the representative system and to the normal provincial legislature of two houses, the upper house consisting of the council, presided over by the governor, and the lower of the burgesses.

But we have said that at the outset it was the intention of Lord Baltimore to control the proceedings of his legislature, not only by his right of appointing and instructing the governor and the members of the upper house and by the veto power which he reserved wholly to himself,<sup>2</sup> but by retaining in his own hands the exclusive right to initiate legislation. He attempted at the beginning to exercise this power on a large scale. Whether his rejection of all the acts of the general assembly of 1635 was due to the fact that they originated with that body, we cannot tell. But he caused to be submitted to the general assembly of January 1638—the second legislature which met in the province<sup>3</sup>—a series of twelve bills which he desired to have enacted. These were read and debated, and finally by a majority of members, led by Captain Cornwallis, they were rejected. Only the votes of the governor and Secretary Lewger, and the proxies which they held, were cast in favor of their passage. When it was now proposed that some laws should be passed which should be in force till word came again from England, the governor denied that the legislature had such a power; they must in the interval be governed by such of the laws of England as they had the right to enforce. But before many hours had passed, his ideas were modified and he was ready even to advise that a committee be chosen to draft bills.<sup>4</sup> From this time the process of legislation continued without serious interruption till the close of the session, when a number of important acts were passed.<sup>5</sup> All of these, however, were rejected by the proprietor, probably as an assertion of his claim to the right of initiative.<sup>6</sup> But before the general assembly of the next year met Lord Baltimore apparently became convinced that it was unwise, if not useless, to contend longer for the right in the extreme form in which he had asserted

<sup>1</sup> *Arch.*, Assembly, 1638 to 1664, p. 259 *et seq.*, 272.

<sup>2</sup> *Arch.*, Council, 1636 to 1667, pp. 51, 111, 154, 203, 543; Assembly, 1666 to 1676, pp. 161, 173 *et seq.*

<sup>3</sup> *Arch.*, Assembly, 1638 to 1664, p. 6 *et seq.*

<sup>4</sup> *Ibid.*, pp. 9, 10.

<sup>5</sup> *Ibid.*, pp. 14–24.

<sup>6</sup> Bozman, II. 67.

it. Therefore, after organization, the first business of that session was to listen to a letter in which the proprietor authorized the governor to assent to acts originated and passed by the general assembly, and declared that they should be in force in the province till Lord Baltimore or his heirs should express their dissent.<sup>1</sup> An act declaring the substance of this concession as it applied to the existing assembly was at once passed. When the commission of the governor was renewed in 1642<sup>2</sup> the concession was repeated by the proprietor. Still this in his opinion did not deprive him of the right to initiate legislation, for in 1649 he sent over under his great seal sixteen bills which he instructed the governor to lay before the assembly for its acceptance *in toto* as perpetual laws.<sup>3</sup> We know that these bills were elaborate and that they concerned the most important interests of the province. The general assembly declined to accept these as a whole, but selected such as seemed to it best to promote the interests of the province, while it added certain acts of its own. Among those which it accepted was probably the famous toleration act of 1649. Thus the independence of the legislature, so far as was possible under the Maryland system of government, was attained. But from time to time, so long as provincial government continued, protests were uttered against the veto power of the proprietor. The lower house also expressed its jealousy of the upper house as an outgrowth and embodiment of proprietary influence. In 1660 Josiah Fendall and others tried to restore the single chamber, to make the speaker of the lower house its president and to abolish the veto power.<sup>4</sup> This was defeated by the efforts of Philip Calvert, who naturally soon succeeded Fendall as governor. A list of grievances presented by the lower to the upper house in 1669<sup>5</sup> included a complaint that the proprietor retained exclusively in his own hands the right to approve or reject laws and a petition that this power might be bestowed on the governor because, while in office, he must be a resident of the province. But this the upper house opposed as inconsistent with the charter and involving danger to the power of the proprietor. Among the charges presented against Lord Baltimore<sup>6</sup> were these, that he assumed the right to assent to and repeal laws, to proclaim and dispense with laws as he saw fit, and that while not a resident in the province. This naturally was coupled with the other charge, that he assumed the

<sup>1</sup> *Arch.*, Assembly, 1638 to 1664, p. 31.

<sup>2</sup> *Arch.*, Council, 1636 to 1667, p. III.

<sup>3</sup> *Ibid.*, p. 220; Assembly, 1638 to 1664, p. 263.

<sup>4</sup> *Arch.*, Assembly, 1638 to 1664, pp. 389, 390, 420 *et seq.*

<sup>5</sup> *Arch.*, Assembly, 1666 to 1676, p. 173 *et seq.*

<sup>6</sup> Maryland Entry Book, No. 52, p. 189 *et seq.*



royal style, dignity and authority. The history of Maryland, both in the seventeenth and in the eighteenth century, will show that the main line of cleavage in the provincial system was that by which the upper house and the higher officials on the one side were divided from the lower house and the common people on the other.<sup>1</sup>

As in the case of the executive so in that of the legislature the writer who would trace the early development of Carolina institutions will be perplexed by the lack of accessible material. But from a comparison of such authentic documents as remain and are in print one would infer that the course of development in that province was substantially as follows. The persuasions of the Barbadians and the eagerness of the proprietors to secure settlers occasioned, we may suppose, the insertion in the Concession and Agreement of 1665 of the very liberal provisions concerning a legislature.<sup>2</sup> Under a writ issued by the governor in the name of the proprietors an election was to be at once held for the choice by the freemen of deputies, who should meet with the governor and council in general assembly. Sessions of this body should be held annually thereafter. It was given power to appoint its own times of meeting; to adjourn at and to such times and places as it chose; to pass all laws, establish courts, fix the limits of their jurisdiction, the number of their officers, their fees and salaries; to lay all taxes and provide for all the expenses of government; to erect baronies and manors, divide the province into counties, hundreds and parishes; to erect ports, build towns and cities and provide for their defense; to establish a militia and provide for offensive as well as defensive war with foreigners as well as with Indians; to provide for naturalization; to designate the amount of land to be granted to individuals and to make rules for the issue of such grants; to enact all other necessary laws. In the exercise of administrative powers the governors and councillors were to be guided by and to execute in detail the laws passed by the assemblies; they were also to see that all subordinate officials obeyed and enforced them.

The difference between this document and any which Lord Baltimore issued is very noticeable. Apparently the intention of its framers was to make the general assembly at the outset the chief organ of government in the province. To the governor and council as an executive was left simply the work of executing its commands. The proprietors seem to have had no thought of reserving the right of initiative. The judicial, the military and the financial systems,

<sup>1</sup> A notable utterance of the extreme popular feeling against the proprietor and his agents at the time of Bacon's Rebellion is contained in the *Complaint from Heaven*, a pamphlet printed in *Arch.*, Council, 1667 to 1688, p. 134 *et seq.*

<sup>2</sup> *N. C. Recs.*, I. 77, 79, 81, 98, 144, 148.

with the organs of local government, were to be created by legislation. Had this scheme been carried into full operation the governments within Carolina would at once have assumed the form which the provinces generally did not reach till some time in the eighteenth century. There is evidence that an assembly was held by Governor Yeamans at Cape Fear in the summer of 1666,<sup>1</sup> but of its organization we know nothing. The instructions which were issued to the governor of Albemarle in 1667 included the provisions of the agreement concerning assemblies,<sup>2</sup> but there is no proof that a legislature met under them.

With the issue in 1669 of the Fundamental Constitutions a change appears in the policy of the proprietors respecting the legislature. An effort was now begun to bring it into greater harmony with the earlier traditions of the county palatine, with the feudal type of government the acceptance of which the proprietors through the Constitutions sought to enforce. For the name general assembly was substituted that of parliament. Provision was made that it should meet biennially and that it should consist of the proprietors, or their deputies, the provincial nobility and one representative from among the freeholders of every precinct. The electors should possess fifty acres of land each, and the property qualification of the representative should be the ownership of five hundred acres of land lying within the precinct for which he was chosen. The members should sit and deliberate together, but vote in four distinct estates. If the majority of any one of the four estates—the proprietor's deputies, the landgraves, the caciques, the representatives—should vote that a measure was not consistent with the Fundamental Constitutions, it should not pass. Provision was also made that all matters which were to be brought before the parliament should be prepared in and approved by the grand council. This body consisted of the proprietors resident in the province (or their deputies) and the councillors of the proprietors' courts. As in Maryland, so in this plan, the right of initiative was thus reserved by the executive. The palatine court was given the right to negative acts of the parliament, except in two cases, and no act of the parliament should go into force till ratified by the palatine or his deputy, and by three of the other proprietors and their deputies. Moreover, the legislative sphere of the parliament was much less broad than that of the general assembly as specified in the Concessions of 1665. There is no recital of its powers in the Constitutions, but from the provisions of the document in general it appears that it was to have only the formal power to regulate the granting of land,

<sup>1</sup> *N. C. Col. Recs.*, p. 145.

<sup>2</sup> *Ibid.*, p. 167.

the erection of manors and baronies, the establishment of offices and courts, the making of war, and the doing of other things which were specified in the concessions as within the sphere of the legislature. It did vote taxes, and that of course was a powerful lever, but the evident intention of the framers of the Constitutions was, by the creation of machinery above it, to reduce the power of the Carolina legislature to a shadow.<sup>1</sup> It will, however, be said that this intention was defeated, because the proprietors found it impossible to put the Constitutions into operation. But there is evidence that their instructions so modified the powers of the legislature that for a considerable time it failed to recover the fullness of authority which had been granted to it in 1665.

By the instructions of 1670,<sup>2</sup> the governor of Albemarle was ordered not only to issue writs for the election of five freeholders from each of the four precincts of the county, but to admit five deputies of the proprietors, and these, with the representatives, were to form the assembly. This body, which was to have a speaker, should choose five persons, who, together with five designated by the proprietors, should form the council. This council was to occupy as nearly as possible the position of the grand council, as provided in the Constitutions, and that meant that it should have the sole initiative in legislation. In its capacity as council and also as palatine's court it likewise had control of the entire work of the administration, especially of defense, and it later acquired the power, in co-operation with the governor, to adjourn, prorogue and dissolve the assembly.<sup>3</sup> It thus appears that an assembly called and regulated in accordance with these instructions would be in a position quite different from that indicated in the Concessions. The instructions to the governors of Albemarle till 1691 provided that assemblies should be held according to this plan.<sup>4</sup> We do not know whether the instructions were obeyed or not, for the proceedings of these sessions have been lost; but the organization just described was certainly the only one authorized by the proprietors at the time, and if the instructions were not obeyed it was due to the inability of the proprietors to enforce obedience to their will. Respecting the initiative their claims and commands were similar to those of the proprietor in the early history of Maryland. When in 1689 Philip Ludwell was appointed governor of Albemarle, he was instructed as soon as was convenient to call an "assembly or parliament," and in the passing of laws to "observe the methods prescribed by our

<sup>1</sup> *N. C. Recs.*, pp. 193, 196, 199 *et seq.* Art. 33, 51, 73-79.

<sup>2</sup> *Ibid.*, p. 181.

<sup>3</sup> *Ibid.*, 193, 239. Bassett in *Johns Hopkins University Studies*, XII. 52.

<sup>4</sup> *Ibid.*, I. 235, 333.

Fundamental Constitutions and instructions."<sup>1</sup> The acts should be sent to England for approval or disapproval by the proprietors. A fair interpretation of this would lead to the inference that this assembly, if held, should be organized as its predecessors were required to be by the instructions of 1670. But by the instructions of 1691, which were issued to Ludwell as governor of the entire province, no reference was made to a reservation of the right of initiative, though it was ordered that the legislature should consist of deputies, landgraves, caciques and delegates. Measures passed by them and approved by the governor and three or more of the proprietor's deputies should continue in force for two years, and no longer unless within that time they were confirmed by the Lords Proprietors. According to these instructions the deputies of the proprietors were to be the governor's council, as well as a component of the legislature. Of the intended assembly, if held, no records are at hand.

Of the organization of the legislature in North Carolina during the remainder of the proprietary period we have no knowledge, but we have no reason to suppose that the proprietors longer attempted to exercise the right of initiative there. In May 1694 Governor Thomas Smith, who was Ludwell's successor in South Carolina, announced that the proprietors had consented "that the proposing power for the making of laws, which was heretofore lodged in the governor and council, is now given to you (the commons) as well as the present council."<sup>2</sup> No provision appears in the edition of the Fundamental Constitutions which was issued in 1698 which is inconsistent with this statement.<sup>3</sup> Apparently, then, since the council had come to consist of the proprietors' deputies, and since the proprietors had not been able to establish a nobility or to introduce much, if any, of the machinery of government which was intended to accompany it, the conclusion must be that the legislatures in the Carolinas assumed before 1700 the form customary in the provinces, and that they exercised substantially the same powers which legislatures elsewhere in that form of colony enjoyed.

The legislature of Pennsylvania was founded under authority transmitted through the Frames of Government of 1682 and 1683, and the Charter of Privileges of 1701. Of these the first was issued by the proprietor in agreement with those who, though still resident in England, intended to purchase land in the province; the second was issued by the proprietor after his arrival in Pennsylvania; the

<sup>1</sup> *N. C. Col. Recs.*, p. 363.

<sup>2</sup> Rivers, *Sketch of the History of South Carolina*, p. 171.

<sup>3</sup> *N. C. Recs.*, II. 852 *et seq.*

third was issued by him just before the close of his second visit to the province. A third so-called Frame of Government was passed by Governor Markham, in 1696, with the approval of the legislature, as an act of settlement, but as it was never accepted by the proprietor it can be said to have been in force only as a temporary act. Moreover, no evidence has been found that the Frames of Government were ever submitted to the king for his approval. But as the charter did not declare that the acts which were not submitted should be on that account annulled, those issued by Penn and approved by the legislature must be regarded as in force in spite of the irregularity. Unlike the schemes of government issued by the Carolina proprietors, those of Penn went fully into operation; he procured popular acceptance of them at the outset.

The existence of a representative system, and one, too, which was unusually developed, was guaranteed from the first by the Quaker proprietor. The statement was made in the first Frame that powers of government were vested in the governor and freemen, those of the latter to be exercised in two representative bodies, the council and the assembly. The fact that both houses of the legislature were to be elective and representative marks another important departure from the traditional system of the province. It was a concession to the popular elements in the system which involved serious consequences for the proprietor and from which proceeded many of the complications of the first two decades of Pennsylvania history. It also contributed in an important degree toward determining the form which the legislature of that province ultimately assumed.

According to the first Frame of Government the full provincial council should consist of seventy-two members. The assembly of the first year should include all the other freemen among the colonists, who should be called together to accept the laws and cooperate in the establishment of government. Thereafter, it should consist of two hundred members. Both bodies should be annually chosen and the elections for both should be held at the same times and places.<sup>1</sup> A faint attempt was made to secure for the council the position of an aristocratic body, one more likely than the assembly to act in harmony with the proprietor, by the requirement that those of best repute for wisdom, virtue and ability should be chosen as its members. It was apparently hoped that over this body, though elective, the proprietor and governor would be able to exert controlling influence, for it was given the exclusive right of initiating legislation and of summoning and dissolving the general

<sup>1</sup> Elections for both houses were held by counties.

assembly. The lower house, or assembly of two hundred members, though it was also elected by the freemen, was given a decidedly inferior position. Its functions were to impeach offenders before the council, to prepare amendments to the bills laid before it and finally to approve or reject those bills. The governor was not given the right of veto, or of performing any act of government independently of the council; neither could he adjourn that body or its committees. He had only a triple vote in the council. How, then, was it possible that more than an ineffective moral influence could be exerted by him? His legal position in the legislature was much more like that of the governor of the corporate colony than like that of the chief magistrate of a typical province. The weakness of the governor and the prominence of the elective council were then the chief features of the legislative system as devised by the Quaker proprietor.

As is well known, the first Pennsylvania legislature, that which met at Chester, December 4, 1682, consisted of only one house.<sup>1</sup> Writs were not issued for the election of a council, while only seven members were chosen from each of the six counties into which the province and "Territories" were then divided. The *Votes* show that the organization and procedure of this body were in accordance with accepted forms, that it enjoyed all necessary independence, and that it did a large amount of legislative work. The writs which Penn issued for the election of 1683 called for a provincial council of seventy-two members, but the returns from the counties were accompanied by petitions that the twelve who had been chosen in each county might serve both as councillors and as assemblymen.<sup>2</sup> It was now so clear to all that the legislature as planned was far too large for the needs and resources of the province, that the proposal of the petitioners was at once accepted by all concerned, though it involved a departure from the Frame of Government.<sup>3</sup> The lower house of this legislature now demanded the right of initiative and the question was discussed by the members and with the proprietor at some length,<sup>4</sup> but nothing was accomplished. Enough changes, however, had been made to justify, in the opinion of all concerned, the issue of a new Frame of Government; but by the Frame of 1683 no organic changes were introduced into the system.

The proprietor now returned to England, leaving the executive power in the hands of Thomas Lloyd, as president, and of the provincial council. The membership of the council had been fixed at eighteen, and in addition to being the executive it constituted the

<sup>1</sup> *Charter and Laws of Pa.*, p. 473.

<sup>2</sup> *Ibid.*, p. 484.

<sup>3</sup> *Col. Recs.*, I. 58.

<sup>4</sup> *Votes*, I. 7.



upper house of the legislature. Disputes soon arose between it and the assembly over the form of language used by the council in the promulgation of bills which were to be considered in the forthcoming sessions of the legislature. The form "by the authority of the president and council," or its equivalent, was thought to violate the charter and to ignore too much the lower house.<sup>1</sup> This controversy continued during 1685 and 1686,<sup>2</sup> stopped the course of legislation, and revealed the importance both of the executive and of the lower house. Of the eighteen members of the council usually only five or seven were present at its sessions; at times less than the required quorum of one-third. The reports which came to the proprietor convinced him that the executive was not properly organized, and in 1687 he made it again appointive and reduced its membership. He selected five "commissioners of state"<sup>3</sup> and instructed them, or any three of them, to compel the members of the provincial council to attend to their duties, to suffer no disorder in it or in the assembly, to inquire into their past acts and into the qualifications of members of both houses, and to abrogate all that had been done during his absence. They were also to execute the laws and to approve or veto the acts of the legislature as the proprietor might do were he present. In his irritation the proprietor threatened to "dissolve the frame without any more ado." "Let them look to it," said he, "if further occasion be given."

But the relations with the lower house were no more amicable than they had been before this change, while the sessions of the council were no better attended than they had previously been. The lower house was jealous because it did not possess the right of initiative, while the council irritated it by insisting on its own superiority. In the session of May 1688, as had been the practice since the proprietor left the province, the lower house neglected to present its speaker for approval.<sup>4</sup> It also took separately the oaths of allegiance and fidelity, and resolved not to divulge any of its proceedings. At first the provincial council was inclined not to recognize it as a house, and after legislation began, bickerings continued throughout the session.

On account of the unsatisfactory condition of things the proprietor again interposed, and before the end of 1688 appointed Captain John Blackwell governor.<sup>5</sup> The commissioners of state were thus superseded, and a stranger and a man of military training was

<sup>1</sup> *Col. Recs.*, I. 133 *et seq.*

<sup>2</sup> *Charter and Laws*, 498 *et seq.*

<sup>3</sup> Proud's *Hist. of Pa.*, p. 305. *Col. Recs.*, I. 212. *Charter and Laws*, 514.

<sup>4</sup> *Votes*, I. 43, 44, 46. *Col. Recs.*, I. 223.

<sup>5</sup> *Col. Recs.*, I. 229.

introduced as the head of the government. It was not unnatural that the late commissioners should be dissatisfied, and as they were all men of influence, they could make much trouble for a man who was situated as Blackwell was. Alone, unaided, he had to face an elective council and a legislature, the members of which were either indifferent or strongly prejudiced against him. An executive in such position must needs be helpless, and, if William Penn really desired to retain the proprietary form of government, it is evidence of his poor judgment that he should have allowed the executive to be thus compromised and weakened.

The new governor first attempted to secure a more regular attendance on the sessions of the provincial council. At its second meeting<sup>1</sup> after his arrival a quorum was not present. By a special effort a quorum, but no more, was brought together at the next session, January 14, 1689.<sup>2</sup> It was then ordered that the sheriff should acquaint the members of the council who resided in their respective counties, that one of them should attend each month as required by the law and charter. But at the session on January 28, a quorum was not present, and no business could be done. The same was true on the 31st, and after waiting two hours those who were present departed.<sup>3</sup> On March 1 all the members from Chester County were present, and the governor asked them to agree among themselves as to the order of their future attendance, and to inform the secretary. Thereupon one of them, John Symcock, who had also been one of the commissioners of state, declared that he would not attend,<sup>4</sup> and left the duty to be performed by the other two. On March 4, no quorum was present; the same was true on the 11th. On the 12th, when six were present, the governor stated that the means he had used to secure attendance had failed, and that he asked the advice of the council in the matter. At his request the question was put, whether it were not the duty of one of the members elected for each county to "constantly attend the Governor in the affayres of the Government." Though such a proposition would seem to be fair and moderate, it was debated and its decision postponed till some six weeks later.<sup>5</sup> With this the governor was not satisfied, and later repeated the question of the former session. After much debate and expression of unwillingness to advise the governor in the premises, Arthur Cook, who also had been a commissioner of state, declared that the poverty of the people was so great that they could not bear the charge of constant atten-

<sup>1</sup> *Col. Recs.*, I. 229.

<sup>2</sup> *Ibid.*, p. 230.

<sup>3</sup> *Ibid.*, p. 233.

<sup>4</sup> *Ibid.*, p. 234.

<sup>5</sup> *Ibid.*, p. 238.

dance, as the law required, and proposed that the governor be requested to suspend for the present the execution of the requirement. This resolution passed in the affirmative, the secretary only dissenting. This shows pretty conclusively that Penn's plan of a large executive council, which should be elective, had failed, and through its failure the conditions were prepared for a bitter quarrel between the governor and the council.

Such a quarrel had in fact already begun and it proceeded by sure and rapid stages until it culminated in a dead-lock between the governor and the council. In the *Colonial Records* its progress can be traced step by step. Thomas Lloyd, whom Penn had left as president of the colony, retained the great seal and was from the first the leader of the faction which opposed the governor. Though requested by the governor and council at the beginning of Blackwell's administration to surrender the proprietary instructions and other important documents<sup>1</sup> he refused or neglected to do so. He refused to affix the great seal to commissions and public orders issued by the governor.<sup>2</sup> When about to visit New York he refused to leave the great seal in the custody of the governor and council, and maintained that he had a "fixed estate" in it.<sup>3</sup> This occurred at the very time when Blackwell failed in his efforts to secure an adequate attendance of the council, and throughout its sympathies were evidently with Lloyd. The state of feeling was speedily shown by a dispute between the governor and Samuel Richardson, a member of the council, over the question whether or not a certain petition should be received. Richardson and Arthur Cook<sup>4</sup> then repudiated the governor's authority, saying that the proprietor only had authority to appoint a deputy. When, because of his insulting language, Richardson was ordered by Blackwell to leave the room, he refused, saying "I was not brought hither by thee and I will not go out by thy order; I was sent by the people and thou hast no power to put me out." Though the council supported the governor to the extent of ordering Richardson from the room, executive power was challenged in the most direct manner by this event. When Blackwell, apparently in conformity with the Frame of Government and with the laws,<sup>5</sup> sent to the chancellor a list of appointees for provincial judgeships, he refused to affix the seal to their commissions, alleging that these documents were "more

<sup>1</sup> *Col. Recs.*, I. 230, 234, 238, 239.

<sup>2</sup> *Ibid.*, p. 231.

<sup>3</sup> *Ibid.*, pp. 234-237.

<sup>4</sup> *Ibid.*, p. 243.

<sup>5</sup> *Ibid.*, p. 249; see also p. 45, Art. 16 of the Frame of Government of 1683; *Charter and Laws*, pp. 168-178.

moulded by fancy than formed by law." The council failed again to support the governor effectively, and he was thwarted in his effort to appoint judges and open the courts.

At the spring election of 1689 Thomas Lloyd and Samuel Richardson were returned as members of the provincial council.<sup>1</sup> The governor tried to exclude them on the ground of their offensive conduct, and presented a series of charges against Lloyd looking toward his prosecution. This aroused a hot debate, which soon after was revived by the publication of what was presumably an attack on the governor, and which was traced to Joseph Growdon, another member of the council.<sup>2</sup> Growdon refused to withdraw at the command of the governor while this matter was being discussed, and a general cry was raised that the members who had been elected, but from whom the governor withheld their seats, should be admitted. Thereupon occurred the sharpest debate among those reported. But the governor remained firm. He adjourned the council and a quorum did not again appear till several days after the date (May 10) for the opening of the session of the general assembly. Naturally the lower house, when it met, sympathized with those whom the governor had excluded from their seats in the council. As this was an obstacle in the way of securing the attendance of a quorum of the council, and hence contributed towards making the organization of the legislature impossible, the exclusion of the councillors was presented as a grievance<sup>3</sup> and its redress was demanded. When the session actually opened the governor defended his policy and office in a long speech, but, owing partly to the disputes, he and the council had no bills to propose. Therefore no new laws could be passed that session. An irregularity already committed in not passing laws under the great seal seemed to invalidate all in existence save the Frame of Government and the Act of Union with the Lower Counties. The proprietor had also ordered the repeal of the existing laws and their re-enactment with amendments. But such was the state of feeling within the legislature, that even this was impossible. After wrangling for a week or a little more over the detention in custody of one who had been elected a member of the lower house from Newcastle County, the assembly broke up without formal adjournment. With difficulty the governor then procured from the council a declaration that the existing laws should remain in force and should be executed by the officials of the province. With this the important business of Blackwell's administration came to an end.<sup>4</sup> He had in a faithful

<sup>1</sup> *Col. Recs.*, I. 267 *et seq.*

<sup>2</sup> *Ibid.*, 278 *et seq.*

<sup>3</sup> *Votes*, p. 50.

<sup>4</sup> See Blackwell's closing speech, *Col. Recs.*, I. 312.

and straightforward manner upheld the cause of the executive, but against an opposition which was far too strong for him.

In the arrangement made for the continuance of government Penn made another notable surrender to the dominant forces in the province. Finding it impossible for him to return, he sent two commissions between which he permitted a choice.<sup>1</sup> One provided that the provincial council should present three names from which the proprietor should select his governor, and that in the interim an official elected by the provincial council should act in that capacity. The other commission provided that the provincial council itself should act as executive, and to that end should from time to time elect for itself a president. Penn wrote that he threw all into the hands of the provincials, that they might see the confidence he had in them and his desire to give them contentment. Relying, as usual, on moral influence, he exclaimed in closing, "What Ever you do, I desire, beseech and charge you all to avoyd factions and parties, Whisperings and reportings and all animosities that putting your Common Shoulder to the Publick work, ye may have the Reward of Good men and Patriots." The colonists at once chose the second alternative that was offered. The provincial council again became the executive, and Thomas Lloyd was chosen president. The opposition against which Blackwell had struggled was again fully installed in power, and that with the consent of the proprietor. Within the province there was now no obstacle to the assertion of the will of the provincials through the legislature. The executive had been subordinated to it. So long as that condition lasted conflict of course was impossible.

The suspension of Penn's governmental powers in 1692 and the appointment of Benjamin Fletcher, of New York, as royal governor of Pennsylvania, came as a rude shock to the dominant party in that province. Fletcher properly considered that the Frame of Government was superseded by his commission. The elective council at once gave place to one appointed by the governor and subject to approval by the king.<sup>2</sup> The councillors were also placed upon the commissions of the peace throughout the province. The number of members both in the council and in the lower house was considerably reduced. But the introduction of the forms and usages of the royal province resulted in one important gain for the lower house; it secured to it the right to initiate legislation. This doubtless in a measure reconciled the assembly to other changes.

<sup>1</sup> *Col. Recs.*, I. 315 *et seq.*

<sup>2</sup> *Ibid.*, p. 364, 366, 369. See Fletcher's statement on p. 402 of the difference between Penn's system and that of the normal province.

When now Fletcher attacked the validity of the entire body of laws on the grounds that they had not been properly enrolled or published under the great seal, that they had not been submitted to the king, that some of them were inconsistent with the laws of England,<sup>1</sup> the assembly readily undertook the work of revision. They succeeded in saving the body of earlier legislation and in adding somewhat to it.

When late in 1694 the powers of government were restored to the proprietor,<sup>2</sup> William Markham was again appointed his deputy governor. The elective council was restored,<sup>3</sup> and many of its former members were returned. But the rule of the Frame of Government concerning the time for holding the session of the general assembly was at once departed from. As soon too as the council was called to consider what bills should be laid before the assembly,<sup>4</sup> it began to discuss the possibility of substituting for the existing Frame of Government another which should be "more easie." No bills were prepared or promulgated. When the legislature met both houses violated the Frame<sup>5</sup> by resolving that, considering the emergency, they might proceed to legislation without the promulgation of bills. Continuing thus the practice of the Fletcher *régime*, it was decided that both houses might initiate legislation. An attempt was then made to pass a revenue act and an act of settlement, the latter of which should embody the new principle of initiative by the lower house. But Markham refused to pass the bills, and the session closed without definite result.

But Markham seems by this time to have become convinced that, since the Frame of Government had been superseded by the appointment of Fletcher, it could not be reassumed without legislative authority.<sup>6</sup> To this he could not resort without advice from the proprietor. Hence, in order to strengthen the executive, he substituted<sup>7</sup> an appointive for an elective council. An assembly was then called for the special purpose of appropriating a sum required by the queen for the defense of New York. That body, more decisively than its predecessor, coupled supply with settlement as mutually conditioned. The result of a conference was a presentation by the governor of a draft of a bill of settlement.<sup>8</sup> The assembly

<sup>1</sup> *Col. Rec.*, I. 405 *et seq.* Note especially, for the government side of the question, the speech of Patrick Robinson, p. 419.

<sup>2</sup> *Ibid.*, p. 472 *et seq.*

<sup>3</sup> *Ibid.*, p. 482 *et seq.*

<sup>4</sup> *Ibid.*, p. 484 *et seq.*

<sup>5</sup> *Ibid.*, p. 491.

<sup>6</sup> *Ibid.*, p. 505.

<sup>7</sup> *Ibid.*, p. 497.

<sup>8</sup> *Ibid.*, pp. 507, 508.



brought up with it a bill for the required appropriation, and the two became law together November 7, 1696. Thus came into existence the act of settlement, which was properly known as Markham's Frame of Government.<sup>1</sup> Beside the retention of the elective council, its most important feature was the guarantee to the lower house of the right to initiate legislation. This was the first time that the principle was incorporated into an act of the Pennsylvania legislature. But the act itself declared that it should remain in force only until the proprietor should signify the contrary, while the evidence is satisfactory that Penn never confirmed it. Thenceforward however the lower house, as well as the council, regularly initiated legislation.

When in 1700 Penn paid his second visit to the province the discussion of the organization of the legislature was resumed. The opinion was then expressed in the council that the Frame of 1683 was still in force "as to its fundamentals."<sup>2</sup> Penn said that Markham's frame had served till he came, but it could not bind him against his own act, *i. e.*, the Frame of 1683. The council then resolved to read both Frames, "and to keep what's good in either, to lay aside what's inconvenient and burdensome, and to add to both what may best suit the common good," and to present the same before the proprietor. With the discussion of this, which was continued at intervals for several months, was connected the revision of the laws of the province and the passage of an act concerning property. In the last named act the assembly was especially interested. The results arrived at on all these questions evidently proceeded from the joint action of the proprietor and the legislature, and the two co-operated freely at all stages of the discussion. The result was embodied in the Charter of Privileges of 1701.<sup>3</sup> In Articles II. and III. of this document the proprietor fully recognized the independence of the assembly, and by implication also the fact that it should be the only house of the legislature. This inference appears to be justified by the absence from the Charter of Privileges of a provision for the election of any except members of the assembly, and by the appearance a few days later of a commission appointing the members of the council and giving them only administrative powers. As a matter of fact, too, the council thereafter could not exercise legislative powers. It constantly advised the governor concerning proposed legislation, bills were discussed and law-making was influenced by it, but it did not legislate.

The events which we have just outlined present another striking illustration of the difference between Pennsylvania and the other

<sup>1</sup> *Col. Recs.*, I. 48.

<sup>2</sup> *Ibid.*, p. 596 *et seq.*

<sup>3</sup> *Col. Recs.*, II. 56.

proprietary provinces. Penn, instead of claiming for himself a special right of initiative, committed it wholly to a large executive council. By making his council elective he at once transferred a very large share of the executive power into the hands of the people. This soon involved the proprietor and his governor in such difficulty, caused such confusion in the regular work of the administration, that by 1700 the necessity of an appointive council must have become obvious to those who had the rights of the proprietor and the permanent interests of the government at heart. But in order to secure it Penn apparently had to concede that the council should possess no legislative power. Thus, unlike the other provinces, the legislature of Pennsylvania came to consist of the governor and one house, that of the assembly.

Having now briefly shown what was the nature of the proprietary province on its territorial and its governmental side, what was at the outset the organization and work of the executive within it, through what changes the legislature passed on the way to the assumption of its final form, it remains by way of conclusion to make one brief statement concerning the position occupied by this form of province in the general course of our colonial history. It will probably be found to have been the least successful among the forms of colonial government and, for that reason, to have had less of the elements of permanence than the others. It was less successful and less permanent than the corporation, because the natural tendency of small frontier communities, like those which existed in these colonies, was toward a democratic organization and a high degree of local independence. That demand the corporation furnished the means of satisfying, while the presence and power of a proprietor and of his agent obstructed the working of this tendency and caused irritation and conflict. As the cause of this conflict was organic, if there was any vigor of political life the conflict must, at least at intervals, continue until either the proprietor or the assembly was definitely and forever master. That the proprietor could become an autocrat is not in any case supposable; his resources were not equal to that, the rights he received from the king would not admit of it. In the long run the executive was bound to appear as the weaker element in this system and must be gradually forced to the wall.

But the proprietor was in danger from another quarter. His province was a special jurisdiction. The powers exercised within it were so much subtracted from the imperial rights and dominion. Hence, it was an obstacle in the way of the complete assertion of royal and parliamentary control over the colonies. That control could be effectively exercised only through the royal province.

Hence with the development of conditions which made the assertion of that control a necessity, it would soon be seen that both the corporation and the proprietary province should give place to the royal province. The history of our colonies shows that tendency in actual operation, and the proprietorships presented a far less united and determined front against it than did the corporations. The proprietor was between two fires—the people and the king—and what the one left the other was likely to consume. He was, therefore, not infrequently willing to sell or surrender his rights to the crown and thus escape from the hopeless conflict. The political structure of which he was the head was thus naturally transitional, and was destined in the course of events to pass away.

HERBERT L. OSGOOD.

## THE TAXATION OF TEA, 1767-1773

HISTORIANS are agreed that in 1767 the British Parliament laid a tax of three-pence a pound upon all tea imported into the American colonies. They are also agreed that, owing to certain concessions granted to the East India Company by Parliament, in spite of the tax tea could be sold cheaper in America than in England. But how much cheaper, and just what these concessions were, are questions which have never been satisfactorily answered. It seems to be the prevailing opinion that Parliament granted to exporters of tea to America a drawback of a specific inland duty amounting to one shilling a pound, which was levied on all teas consumed in Great Britain, and that tea could, therefore, be sold nine-pence per pound cheaper in America than in England.<sup>1</sup> A merely cursory examination of the acts of Parliament on the subject, however, shows that this could not be true, for the Townshend Acts, instead of taking off the inland duty of 1 s. a pound from teas exported to America, removed this duty from all teas consumed in Great Britain. How, then, was it possible that the price of tea could be lower in America?

All tea imported into England by the East India Company, who possessed a monopoly of the trade, was subject to the regular customs duties, which consisted of the Old and New Subsidies and other subsidies granted at various times, and which amounted in 1767 to £23. 18s. 7½d. on every £100 of the gross price,<sup>2</sup> or about twenty-four per cent. In addition to these import duties, on being taken from the warehouses and sold at public auction, tea was subject to certain inland duties, which had varied from time to time, but which, at the time of the passage of the Townshend Acts, consisted of one duty of a shilling a pound, and of a further duty of £25 on every £100 of the gross price.<sup>3</sup> The duties on tea thus amounted to about fifty per cent. and 1s. a pound, but an act of 21 Geo. 2. c. 14, which was still in force, permitted tea to be exported to Ireland and America without the payment of either of these inland duties, and the Townshend Acts further modified them by removing for five years, beginning July 5, 1767, the inland duty of one shilling a pound from all teas consumed in Great Britain, and upon the ex-

<sup>1</sup> Cf., for example, Channing, *The United States of America, 1765-1865*, p. 65.

<sup>2</sup> Baldwin, *Survey of the British Customs* (London, 1770), Second Part, pp. 26 and 91.

<sup>3</sup> Act of 18 Geo. 2. c. 26.

portation of teas to "Ireland and his Majesty's plantations in America" a drawback was allowed of the "whole of the duty paid upon the importation thereof" into Great Britain.<sup>1</sup>

At first sight it would seem as if tea, being thus subject to duties of fifty per cent. in England to which it was not subject in America, could be sold in the latter country one-third cheaper than in England. But such was not the case, for what Parliament took off with one hand it laid on again with the other, and this same act of 1767 only granted these drawbacks on condition that the East India Company should make good any deficiency in the revenues that might result from the discontinuance of the duties. The section which states how the amount of this deficiency should be determined is so ambiguously worded that it is little wonder that the present confusion has arisen as to the extent of the drawback. Yet we are not left in doubt as to the intention of Parliament, for some five years later, when the accounts with the East India Company under this act were being settled, Parliament passed an explanatory act, which declares that it is "the true intent and meaning of the said act, That the said united company should fully indemnify your Majesty for any diminution of your Majesty's revenue, which might happen from the experiment in the said act mentioned."<sup>2</sup>

It was the evident purpose of Parliament to enable the East India Company to lower the price of tea,<sup>3</sup> where necessary, to such an extent that they could successfully compete with the Dutch, their great rivals in the East India trade, and it was at the same time their expectation that the company could afford, out of the profits from their increased sales, to make good any deficiency which might result to the revenues of the crown. Whether based upon previous calculations of the East India Company or not, it is impossible to state, but it certainly was the prevalent idea that the concessions granted by Parliament permitted the company to sell teas for export to America twenty-five per cent. cheaper than those for consumption in England. As the East India Company itself seems to have acted on this assumption, for tea was sold in America nine-pence per pound cheaper after the passage of the Townshend Acts,<sup>4</sup> and as the average price of tea had been about four shillings

<sup>1</sup> Act of 7 Geo. 3. c. 56.

<sup>2</sup> Act of 12 Geo. 3. c. 7.

<sup>3</sup> The East India Company, though not permitted to sell at retail, could command the price of tea, and even set different prices in England and America, for they were permitted to name an upset price at their public auction sales, and exporters were required to export direct from the warehouses.

<sup>4</sup> The *Boston Gazette* of September 18, 1769, publishes a notice to the effect that John Metter sold Enoch Greenleaf two chests of tea 9d. O. T. per pound under the common price.

per pound,<sup>1</sup> it is easy to understand how the statement originated that the drawback of the duty on teas exported to America was a shilling a pound, and as this statement was repeatedly made in the debates on the subject in Parliament historians would seem to have had sufficient authority for accepting it. But from the fact of its amounting to one shilling a pound, an accident of price, to infer that the drawback was of a specific inland duty of a similar amount is clearly unwarranted.

If the interpretation of the acts of Parliament that has been given is the correct one, it is evident that it was not a matter of one shilling a pound, nor of twenty-five per cent., but that the actual amount of the benefit of the drawback was dependent upon the East India Company alone,<sup>2</sup> and was determined by the exigencies of the case. And this interpretation is confirmed by the statements of Governor Pownall, who said in the course of the debate on the repeal of the Townshend duties in 1770:

"I have heard it said, that this 3d. per pound duty collected in America does, while a drawback of twenty-five per cent. is allowed here, operate as a bounty of 9 d. per pound in favor of Americans.

"In the first place, the drawback upon those teas exported to America of twenty-five per cent. does not amount to one shilling per pound; it amounts only to 7½d. or thereabout;<sup>3</sup> so that did it operate as a bounty at all it would amount only to 4½d. . . . It does not operate as a bounty at all, for whatever duty the East India Company pays originally at the custom house on importing teas from Asia, that sum is added to the price on their sales; so that although the exporter is allowed a drawback, yet he draws back that sum only which he hath already paid in the price of his purchase."<sup>4</sup>

This interpretation also clears up the otherwise inexplicable statement of Hutchinson that "by taking off twelve-pence, which used to be paid in England, and substituting three-pence only, payable in the colonies, it (tea) was cheaper than it had ever been sold by the illicit traders; and the poor people in America drank the same tea in quality, at three shillings the pound, which the people in England drank at six shillings."<sup>5</sup>

<sup>1</sup> Macpherson, *History of European Commerce with India* (London, 1812), p. 416, states that the total amount of tea sold by the East India Company in 1765 was 5,473,186 pounds for £1,137,238, and in 1766 the amount was 5,586,356 pounds, for £995,858.

<sup>2</sup> By raising the upset price at their auction sales the company could offset all or part of the benefits derived from the drawback.

<sup>3</sup> The price of tea had fallen; see Macpherson, loc. cit., p. 416.

<sup>4</sup> Hansard's *Parliamentary Debates*, XVI. 865.

<sup>5</sup> Hutchinson, *History of Province of Massachusetts Bay, 1750-1774* (London, 1828), p. 351.



With the explanation that has been given the subsequent acts of Parliament on this subject, which are otherwise very confusing, seem simple enough. The concessions which were granted by the Townshend Acts did not accomplish as much as was expected of them. Though the company's sales of tea were nearly doubled,<sup>1</sup> they found themselves obliged to pay over £115,000 for the first four years of the experiment.<sup>2</sup> Accordingly in 1772, when the act of 1767 was about to expire, Parliament passed another act, this time granting a drawback of three-fifths of the import duties on tea exported to America, without requiring the East India Company to make any indemnity therefor.<sup>3</sup> And the following year (1773), when this was found to be insufficient to induce the Americans to purchase tea, the drawback was increased to cover all of the duties paid on importation, and permission was given to the commissioners of the treasury to grant licenses to the East India Company itself to export tea to America without having put it up for sale at their warehouses.<sup>4</sup> The company could, of course, sell the tea at a much lower price than could be afforded by particular merchants who purchased it in England, so that in 1773, instead of tea being sold in America nine-pence per pound cheaper than in England, if the East India Company had been able to offer for sale the tea imported under this act, they could have sold it at a mere fraction of the price obtained in England.

MAX FARRAND.

<sup>1</sup> Macpherson, loc. cit., pp. 194, 416.

<sup>2</sup> See Act of 12 Geo. 3. c. 7.

<sup>3</sup> Act of 12 Geo. 3. c. 60. The drawback of three-fifths referred to in Bancroft, *History of the United States* (Author's Last Revision), V. 438, 439.

<sup>4</sup> Act of 13 Geo. 3. c. 44.

## OFFICE-SEEKING DURING JEFFERSON'S ADMINISTRATION

THE political campaign which resulted in Jefferson's election to the Presidency was one of unparalleled bitterness of feeling. Chiefly through his devoted lieutenants he had inspired the ranks of his party with the belief that the success of democratic government depended upon the success of the party which he led. His triumph, therefore, was popularly believed to be the triumph of the common people. Henceforth forms and ceremonies were to be set aside, and there were to be no privileges for one that another might not also enjoy. "Equal and exact justice to all men, of whatever state or persuasion, religious or political," was the first of the general principles of government which Jefferson announced in his inaugural address. The victory which he and his party gained was complete, but he thought that their permanent supremacy might be rendered certain if he could attract to his standard Federalists of the milder school. To accomplish this, it was plain that the hot hatred between the parties must be tempered. Therefore, he made at his inauguration this famous announcement: "But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all republicans; we are all federalists." The Federalists were soothed by these gentle words, and manifested a disposition to give the man who had beaten them a chance to show that he was not actually as bad as they had believed him to be. But if he was to acquire popularity with them he must not remove them from office to make room for Republicans, and the Republicans soon made him understand that, as they had won the election, they thought they had a right to enjoy the spoils of victory. What course to pursue so as to attract his opponents without repelling his friends was a perplexing question to the President. On two points he made up his mind in the beginning. The leading Federalists, being, as he called them, "incurables," should receive no favors from him, and those appointments made by Adams after the result of the presidential election became known should be treated as "nullities." Three days after his inauguration he wrote to Monroe:

I have firmly refused to follow the counsels of those who have advised the giving offices to some of their leaders, in order to reconcile.

I have given, and will give only to republicans, under existing circumstances. But I believe with others, that deprivations of office, if made on the ground of political principles alone, would revolt our new converts, and give a body to leaders who now stand alone. Some, I know, must be made. They must be as few as possible, done gradually, and bottomed on some malversation or inherent disqualification. Where we shall draw the line between retaining all and none, is not yet settled, and will not be till we get our administration together, and perhaps even then we shall proceed *a talons*, balancing our measures according to the impression we perceive them to make.<sup>1</sup>

He disclosed his hopes in a letter to Gates the next day :

If we can hit on the true line of conduct which may conciliate the honest part of those who were called federalists, and do justice to those who have so long been excluded from it, I shall hope to be able to obliterate, or rather to unite the names of federalists and republicans.<sup>2</sup>

On the subject of Adams's late appointments he wrote to William B. Giles, March 23, and frequently repeated in subsequent letters the same idea :

. . . all appointments to *civil* offices *during pleasure*, made after the event of the election was certainly known to Mr. A, are considered as nullities. I do not view the persons appointed as even candidates for office, but make others without noticing or notifying them. Mr. A's best friends have agreed that this is right.<sup>3</sup>

To put this design into operation he drafted the form of a letter to be sent to certain officials. It is in his own hand and bears his endorsement, "Mr. Adams' last appointments."

Sir

The late President, Mr Adams, having not long before his retirement from office, made several appointments to *civil* offices holden *during the will* of the President, when so restricted in time as not to admit sufficient enquiry and consideration, the present President deems it proper that those appointments should be a subject of reconsideration and further enquiry. he considers it as of palpable justice that the officers who are to begin their course as agents of his administration should be persons on whom he has personal reliance for a faithful execution of his views. you will therefore be pleased to consider the appointment you have received as if never made, of which this early notice is given to prevent any derangement which that appointment might produce.<sup>4</sup>

Soon after he had assumed the burdens of his office his plan of action with reference to appointment began to shape itself, and we

<sup>1</sup> Jefferson's *Writings* (Ford), VIII. 10.

<sup>2</sup> *Works*, VIII. 11, 12.

<sup>3</sup> *Ibid.*, 25.

<sup>4</sup> MS. Archives of the Department of State. Unless otherwise stated all the papers quoted are from that source.

shall see in the progress of this paper that the broad principles which he announced when he was inaugurated and immediately afterwards, were in practice lost from sight under the pressure for place of his importunate followers. However great the difficulties which confronted him, he did not avoid them. As he was the head of the government, he accepted all the duties of its administration, and the applications for office which poured in upon him by the hundreds he read himself, marking each letter with his own hand, and considering them from the double standpoint of the welfare of his party and the proper conduct of public business. The most important case to engage his attention in the early days of his administration occurred in Connecticut. It is interesting for many reasons, and chiefly because of the highly-colored picture it presents of the political conditions prevailing in that state. That Jefferson entertained a lively antipathy toward Connecticut is not to be wondered at, when it is seen how cordially a majority of the people of the state detested him.

On February 18, 1801, hardly more than a fortnight before Jefferson became President, Adams appointed Elizur Goodrich to be collector of the port of New Haven, the post having been made vacant by the death of David Austin. Goodrich was thus liable to the "general nullification," but the President dealt with his case cautiously. He wrote to the Postmaster-General, Gideon Granger, March 29:

There is one in your state which calls for decision, and on which [Judge Lincoln will ask yourself and some others to consult and advise me. It is the case of Mr. Goodrich, whose being a recent appointment, made a few days only before Mr. Adams went out of office, is liable to the general nullification I affix to them. Yet there might be reason for continuing him: or if that would do more harm than good, we should inquire who is the person in the state who, superseding Mr. Goodrich, would from his character and standing in society, most effectually silence clamor, and justify the executive in comparison of the two characters.<sup>1</sup>

On the same day he wrote to Pierrepont Edwards also asking his opinion on the subject. Granger replied as follows:

SUFFIELD April 15<sup>th</sup>, 1801.

Dear Sir,

Yours of the 29th ult. has been received . . . .

As to the case of M<sup>r</sup> Goodrich and the general questions affecting removals from office in this State, I have had a full consultation with Mess<sup>rs</sup> Edwards, Thirby and Wolcott and a few other tried friends. They are all agreed that the cause requires the removal of M<sup>r</sup> Goodrich

<sup>1</sup> *Writings*, VIII. 44, 45.

immediately, and of various other principal officers as soon and in such manner as the Executive should deem proper ; for my own part I have yielded to the same opinion so far as respects the principal officers in Newhaven, Hartford, Middletown and Litchfield though reluctantly and with some apprehension. I had always till last winter fondly cherished the hope that when the public will should declare in favor of the friends of equal liberty the foes to the constitution would attempt a reconciliation, and the country be happy and quiet ; nor was this hope abandoned untill I became acquainted with the scandalous scenes acted on the floor of Congress, with a clear view of destroying every thing dear and valuable at a single blow. I am now fully convinced of this truth, that though defeated our foes are not conquered, though they crouch it is but to secure their prey ;—that their exertions are and will be increased, and that finally the Republic must expire at the feet of aristocracy, or the faction be fully prostrated.

Our labors are commenced, but not perfected. We are yet to experience the most violent and severe contest every where East of Pennsylvania. In many of the states our friends are safe, and have a fair prospect of success : but with us in Connecticut the prospect is not pleasing, the exertions of our Clergy and Aristocracy at yesterday's election have exceeded every thing before known. The torrents of abuse from the pulpits were incredible, and this State whose representatives have the damning credit of planning the ruin of our happy Constitution, design to make themselves terrible in the opposition. The precise modes of their attacks cannot be known ; but that attacks will be made is certain. They may attempt the insidious policy of assumed confidence, and ostensibly yield before the storm while they secretly take every measure to destroy all confidence. I should not be astonished at such an appearance. We are not deficient in [*undecipherable*]. But Sir, let it assume what appearance it may, rest perfectly assured of this truth, ' that the most rancorous and deadly hatred and revenge are the sole passions of all the leaders of the party.

Premising that I am fully sensible of the agitations which will be produced by removals from office, that I have no connections for whom I wish office, and that I sincerely lament the existence of a state of things which require acts calculated to affect individuals, and to give pain to the feelings of the executive—I proceed to state the reasons upon which I have founded my opinion.

First,—the principle cannot be controverted, that it is just, fair and honorable that the friends of the Government should have at least as great a proportion of the honors and offices of the Government as they are of the whole people . . . .

Secondly, The general depression of the Republicans in this State, who have suffered every thing, combatting a Phalanx vastly superior to what can be found in any other part of the union forms a strong reason. Nothing can be lost here, and something may be gained : How far this applies to other parts of the union is not for me to judge. A knowl-

edge that we had the real confidence of the Executive I think would have a happy effect, for already it is used as an argument to affect our elections that the President used the Democrats to ride into office, that now seated there he has evinced his contempt for them, and will rely solely on the federalists for support. . . .

Lastly, The sacred rule that no man shall be persecuted for his opinions decently and reasonably maintained will not apply to any of our official Characters. I believe without a single exception All, and I know most have been bitter persecutors. . . .

I cannot close this letter without congratulating you, Sir, upon the complete success of republicanism in Rhode Island.

With the highest Esteem and  
Respect I have the Honor  
to Subscribe myself

Your real friend

GID<sup>o</sup>. GRANGER

Tho<sup>s</sup>. Jefferson Esq  
Presid<sup>t</sup> of U States

Edwards' reply came a month later. Jefferson endorsed it, "Goodrich to be removed."

NEW HAVEN May 12th, 1801.

S<sup>r</sup>:

Your letter of the 29<sup>th</sup> of March came to hand the 9<sup>th</sup> of April. It would have received an earlier answer, had I sooner been favored with an Opportunity of conferring with our republican friends, in the various parts of the State . . .

There is but one opinion among the intelligent republicans in Connecticut, respecting the case of M<sup>r</sup>. Goodrich; all agree, that a removal will be right in itself, and that the Measure is necessary, as it regards the general cause in Connecticut. We have "*consulted and advised on the subject, taking a broad view of it, general as well as local*" . . . We are convinced, that his being continued in office, instead of reconciling his friends, or any part of the federalists to republicanism, and to your administration will strengthen them in their Opposition. They boldly assert that you dare not dismiss any federal officer in Connecticut. And they assign two reasons—"That you know, that if your administration is supported at all in Connecticut, it must be supported by the federalists," and, "that you have no confidence in any of the republicans, because you consider them as men unfriendly to all regular Government." They have the Affrontery to promulgate these sentiments in every corner of the State, and with vast industry; and to convince that these sentiments are just, they refer to your conduct with respect to offices in Connecticut. they say, "Mr. Jefferson has displaced no Officer in Connecticut; he has in other States; and is it because the Officers in Connecticut are more republican than in other States? No, they are the strongest federalists in the United States; the true cause of his thus conducting is,



*he dare not trust a republican in Connecticut*, he knows they are, what we assert them to be, *disorganizers*. Every hour that the work of displacing is deferred gives strength to this delusion. I should not have mentioned what I have, were it not constantly and hourly said by the most influential and distinguished of the federal party. A few facts, out of hundreds that might be related with truth, I will mention. A Gentleman of high rank among the federalists, and holding one of the first Offices in the State, and considered by them as first in most respects, said openly in the Post Office, speaking of Harrison's<sup>1</sup> being displaced "that he would not trust himself alone in a room with you for a single Moment for the world, for he should be sure, that the man who would displace Harrison would assassinate him." And on another Occasion, a few days before, speaking of you as president said, "he would not trust you even to be a tide Waiter." I might fill a volume with speeches of a similar Nature, uttered by men high in Office, uttered by our Clergy, uttered by all ranks among the federalists. They talk here as tho' all power was still in their hands. If you administer the Government, say they, according to former administration, they will support you, but if you displace officers they will turn you out at the next Election.

Our Southern brethren, I presume, have no just conception, as to the state of things in Connecticut; the malignity of the federalists here is wholly inconceivable to any, but such as are eye and ear witnesses to all; we should be as slow to believe as they, if we had not had the evidence of our own senses, as to their conversation and conduct. The federalists are a corps most systematically organized. The Governor and Council, joined to the corporation of Yale College, which was originally wholly ecclesiastical (and thirteen out of twenty one are now ecclesiastics,) make all the arrangements; these are communicated to three general meetings of our established Clergy, one holden at the general election in May, one holden in July, called a general association, and one holden at the commencement in September; from these general meetings the plans are communicated to the County consociations, and there there are generally two in each County: these are composed of all the established Clergy living within the precincts of the respective Consociations—from them it is communicated to all the true federalists of each Parish. By these means they act with perfect uniformity; they are also, in this way, taught an uniformity of speech, on all political questions; so that if you hear any thing said by a federalist of tolerable respectability here, you may be sure that the same thing is prepared to be said every where. Since your election to the Presidency they have formed a plan, which looks more like producing some serious [*undecipherable*] than any that has ever yet been adopted by them: the Clergy are all to inculcate, with earnestness, in private conversation, and from the Pulpit the necessity of submitting to Government, the danger of speaking evil of those who administer the Government, *so long as they administer it well*. they are to shew

<sup>1</sup> Richard Harrison, whom Edward Livingston succeeded as district attorney for New York.

the fatal effects of not observing this sort of conduct ; by stating, that if good men, who are in Office, are calumniated ; it will probably be the means of bringing into office bad men, *Deists*, men of no *religion*, men *profligate in their morals* ; and to shew clearly that such will be the effect of calumniating good officers, they are to tell the people, to look at *recent events*. several sermons have already been delivered in perfect conformity to this Plan. the federalists here do not consider themselves conquered ; they are putting every faculty to the torture to effect the overthrow of your republican Administration. Our leading federalists are all royalists ; they think as our Clergy do “ *Moses and Aaron here walk together.*” The throne and the alter have here entered into an alliance offensive and defensive. If they cannot effect a change in the administration, they are resolved to divide the Union. This measure however, even in their minds, has its difficulties ; the Republicans are numerous even in Connecticut, in Rhode Island they are decidedly a majority, in Massachusetts about seven fifteenths are republicans, in New Hampshire two fifths, in Vermont half are with us. The plan of dividing the Union therefore affords but a gloomy prospect of success, unless the republican party can be lessened ; this must be effected. To accomplish an event so desirable, has given them much thought, and no small share of trouble ; but it is at last determined, so far as Connecticut is concerned, to adopt the following measures—to disgrace the republican party, as much as possible ; for that purpose to teach, that M<sup>r</sup> Jefferson has no confidence in them. a few are to be taken off, by courting them, bringing them into office here, but wholly by the force of federal Votes and influences to relax in the measure which they have heretofore adopted, of turning out every man, who was not a federalist ; to reinstate two or three, who have very good connections, that in the rage of party were turned out ; but on all occasions to teach it for doctrine, that the Democrats in Connecticut, are a set of men of no *talents*, no *property*, no *morals*, and *unfriendly to all Government*. with these facts in full View, we do not hesitate to say, that a *temporizing* policy will be, here, a *ruinous* policy. The Collector at Middletown deserves a dismission on more grounds than one. Violent, irritable, priest-ridden, implacable, a ferocious federalist, and a most indecent enemy to you and your administration,—one of the toast drank on the 4<sup>th</sup> of July last at Middletown, was “ *Thomas Jefferson* may he receive from his fellow Citizens the reward of his merit,” he drank it, adding, “ *a halter.*” I could fill a quire of paper with speeches of his equally Violent and indecent. As to M<sup>r</sup> Goodrich’s successor we all agree that Samuel Bishop Esq<sup>r</sup> of this town, Mayor of our City Chief Judge of our County Court, and a Decon in one of our established churches ought to be the man. In him will be embraced respectability, integrity, religion steady habits and firm republicanism. I deemed it important to you important to the United States that I should say nothing, in answer to your letter, but what should be the result of correct information, and sound deliberation ; and lest I should fail in some of these important Points I have deferred writing till this late hour. I am conscious

that I have written nothing which according to existing evidence, and that full and clear, I am not authorized to write. I am with the highest respect and Regard Your most ob<sup>d</sup> serv

PIERRPONT EDWARDS

to his Excellency Thomas Jefferson.

One other paper from the archives may be quoted here. It is a memorandum in Jefferson's handwriting of a consultation with Livingston, probably Robert R., who was about to proceed on his mission to France.

CONNECTICUT

Mr. Livingston thinks it will be advantageous to make a general sweep in Connet<sup>t</sup>. The people are governed 1. by their clergy 2. by their interest. The clergy irreclaimable. The only remaining motive therefore should be brought over to the Republican side as a counterpoise. They were federalists from interest. They are avaricious, and venal, looking always for gain.

Samuel Bishop was appointed in Goodrich's place. Immediately, Elias Shipman and others, a committee of merchants in New Haven, sent a formal remonstrance to the President. "The office," they said, "while filled by Mr. Goodrich, was conducted with a promptness, integrity and ability, satisfactory to the mercantile interests of this district—promptness and ability not to be found in his successor." Jefferson wrote a long and elaborate response, seizing the occasion to make a public announcement of his policy. He had satisfied himself, he said, of Bishop's fitness. Touching Goodrich's removal and his declarations in favor of political harmony, he said they had been misconstrued as assurances that "the tenure of office was not to be disturbed." This he thought unfair. "When it is considered, that during the late administration, those who were not of a particular sect of politics were excluded from all office; when, by a steady pursuit of this measure, nearly the whole offices of the United States were monopolized by that sect; when the public sentiment at length declared itself, and burst open the doors of honour and confidence to those whose opinions they more approved; was it to be imagined that this monopoly of office was still to be continued in the hands of the minority? Does it violate their rights, to assert some rights in the majority also? Is it political intolerance to claim a proportionate share of the direction of public affairs? Can they not harmonize in society unless they have everything in their own hands?" He thought if removals must be made they could most justly fall upon those appointed in the last hours of Adams's administration. "Mr. Goodrich was one of these. Was it proper for him to place himself

in office, without knowing whether those whose agent he was to be, could have confidence in his agency? Can the preference of another as the successor of Mr. Austin be candidly called a removal of Mr. Goodrich? If a due participation of office is a matter of right, how are vacancies to be obtained? Those by death are few, by resignation none. Can any other mode than by removal be proposed? This is a painful office: but it is my duty, and I meet it as such."<sup>1</sup>

The effect of this letter might easily have been foreseen. It increased the number of applications for office and encouraged the Republicans to hope for a general removal of Federalist officials.<sup>2</sup> Nevertheless Jefferson was glad he had written it, as it gave him an opportunity to disavow the "sophistical construction" which had been placed upon his declarations of March 4.<sup>3</sup> However fit for the office Bishop may have been, he did not enjoy it long. He died in the summer of 1803, and his son, Abraham Bishop, also a staunch Republican, was appointed in his place.

While the Federalists of Connecticut were thus early marked for slaughter, it was Jefferson's belief that in the South the Republicans would demand few removals. He wrote to McKean, of Pennsylvania, July 24, 1801: "What is done in one state very often shocks another, though where it is done it is wholesome. South of the Potomac not a single removal has been asked. On the contrary they are urgent that none shall be made."<sup>4</sup>

This may have been true at the time when it was written, but there was unmistakable proof soon afterwards that the Southern Republicans shared the spirit of the Republicans of the North. Who was the author of the following letter does not appear, but he was doubtless a man of influence, and the letter passed through Jefferson's hands before it was filed in the State Department.

Copy.

CHARLESTON July 24<sup>th</sup> 1801.

Dear Sir.

. . . But I do say that no confidence ought to be put in any of the party, and that a temporizing plan will be the destruction of those who make use of it; I look upon the whole federal party (with but few exceptions) as men, who if they had the power, would destroy the present Government, merely that they might be revenged on those now in possession, and who support it on revolutionary principles. They are so soured at their late defeat, that I firmly believe they would make our

<sup>1</sup> *Writings*, VIII. 67 *et seq.*

<sup>2</sup> See Gallatin to Jefferson, Gallatin's *Writings*, I. 32, 33.

<sup>3</sup> Jefferson's *Writings*, VIII. 78.

<sup>4</sup> *Ibid.*

government a monarchy, or even restore it to the stupid wretch who once was our master, could they but bear down the present administration. I have no confidence in federalists, every day exposes their cloven feet, and if our government does not act with a firm hand, and make an example of all those who have trodden down the liberties of the people, and who ruled with a Robespierian sway in 98 and 99, they will rise into power again, and all the trouble the republicans have been at to bring things back to first principles has been exerted in vain. The Banks ought to be purified, the branch bank here has 12 federalists to 1 republican. The monied interest I fear is hostile to the present administration, without this engine is turned about, or in some measure bridled, it will overset the vessel, and I am sure it could not be done if due precautions are taken, for as a party, the federalists are not formidable, they are composed of trifling lawyers, men swoln with family pride, ignorance and impudence; fellows thirsting for gain; others filled with an itch for dipping their hands in the public purse, under cover of appointments; and all the old tories and their descendants. The Judiciary is also inimical, but I fear, the only purifier of this engine will be time; as the judges die off, the government must be careful to replace honest men in the room of the present set of flexible gentry; until these desirable events take place they must be watched well . . .

Another letter from the same city is from Ædanus Burke, whose powerful democratic reasoning in a pamphlet levelled against the Society of the Cincinnati had been translated into French by Mira-beau and figured in the democracy of the French Revolution. Philip Freneau, in whose behalf a part of the letter was written, was then living in New York, and was later, October 23, 1803, urged by Francis Bailey for appointment as postmaster at that city. Bailey's letter, like Burke's, was addressed to Madison, to whom few applications for office were sent while he was Secretary of State, the greater portion of those not directly addressed to the President going to Gallatin, the Secretary of the Treasury. Burke's letter reveals the fact that it was Madison who prompted the appointment of Freneau as translator in the State Department, when Jefferson was Secretary of State under Washington. While holding the office, Freneau edited the *National Gazette*, an extreme Anti-federalist organ, which constantly attacked Washington and Hamilton. However well-disposed towards him personally Jefferson and Madison may have been, he received no appointment from his former patrons. The second portion of Burke's letter shows, in the striking style which made him famous, the extreme animosity between the opposing parties in South Carolina.

CHARLESTON 13<sup>th</sup> Sept. 1801.

I remember, it was about the last fortnight that we served together in Congress, in 1791, I one day called you aside, and mentioned the

name of M<sup>r</sup> Phillip Freneau to you, as one I knew you esteemed, and then lay struggling under difficulties, with his family. My memory brings to my recollection, that you mentioned the matter to the Secretary of State, M<sup>r</sup> Jefferson. Freneau was invited from N. York, and had the place of interpreter, with a mere trifle of Salary. Little did William Smith know, that you were the author or cause of bringing Freneau from New York ; or he might have turned against you, his terrible battery of the slanders and invectives which he poured forth against M<sup>r</sup> Jefferson for three or four years afterwards. I am sorry to have it to say, that Freneau, with his wife and two children, is still in embarrassed circumstances. He is a virtuous, honest man, and an undeviating Republican ; yet utterly incapable of soliciting anything for himself. The best apology I can offer for mentioning it, is that I know you have great regard for him. You were at college together, as I heard you often say.

I have not the pleasure of being intimate with the present Secretary of the Treasury, tho I have been in his Company. His father in Law's family in N. York always receive me as a friend. I fear I am incorrect in mentioning to you, what I know belongs to his department ; and the statement that I am about to make is merely for his information.

The Surveyor for this port, is M<sup>r</sup> Edward Weyman. Among the Republicans in and around this city, there is a lively apprehension, that thro some mistake or other, he may be removed from his Employment ; not so much, I do confess, on the Score of his being a very worthy honest man, as for his republican principles. During the reign of Terror in 1798 and 99 which struck into the minds of men such a dread and panic in this City, there were not ten men to whom I dare speak my mind ; there were not, I declare before God, there were not half a dozen men, yet Weyman never quitted the Ground ; and I expected every week nothing less than his removal. I congratulate you Sir, that that Season of Tribulation is past. I have been a prisoner of war in the hands of the British for Sixteen months, captured with the Garrison in Charleston : and provided I had a good Guarantee of an Exchange, I would as lieve go to the Devil for Sixteen months more as be with the British again ; and yet, it was not so excruciating to one's feelings, as the despotic insolence, with which one part of our fellow citizens hunted down those who differed from them in that day. I visited Philadelphia and N. York during part of that time. No historical account will be able to give a good idea of it. I fear it is a national crime, and may God forgive the Guilty and Guard the innocent in future.

Accept, Sir my high respect and Esteem for you.

Æ: BURKE.

The Honble

James Madison Esq.

As his administration progressed Jefferson abandoned his plan of placating the Federalists. February 18, 1803, he said in a letter to Benjamin Hawkins :



The preceding administration left 99 out of every hundred in public offices of the federal sect. Republicanism had been the mark of Cain which had rendered those who bore it exiles from all portion in the trusts and authorities of their country. This description of citizens called imperiously and justly for a restoration of right. It was intended, however, to have yielded to this in so moderate a degree as might conciliate those who had obtained exclusive possession; but as soon as they were touched, they endeavored to set fire to the four corners of the public fabric, and obliged us to deprive of the influence of office several who were using it with activity and vigilance to destroy the confidence of the people in their government, and thus to proceed in the drudgery of removal farther than would have been, had not their own hostile enterprises rendered it necessary in self-defence.<sup>1</sup>

Writing on the same subject to William Duane, the editor of the *Aurora*, later in the year (July 24) he said that, as a result of removals, deaths and resignations, only 130 offices subject to his appointment were held by Federalists, out of a total of 316.<sup>2</sup> There is a tabulated statement among the archives, showing by states and districts the officers of "External Revenue," or customs, and the changes which had been made up to June 16, 1803. Of a total of 165 officers, fifty-nine were new appointments. Eight changes are charged to death, nine to "misbehavior" and four to resignation. The remaining thirty-eight changes were doubtless based upon political considerations. Ædanus Burke's letter, already quoted, and a few other letters indicate that some of the incumbents who were not removed by Jefferson were republicans. Before his administration expired forty-six more appointments were made in the customs service,<sup>3</sup> making one hundred and five in all.

In the judiciary changes could only be effected as death or resignation afforded opportunity, and the idea of "due proportion" required that only adherents of the dominant party should receive preferment. In 1804 Alfred Moore, of North Carolina, resigned from the federal Supreme Court, and Jefferson determined to appoint a South Carolina lawyer to the vacancy. The result of his search for a suitable character is shown in the following memorandum. The Gaillard whose name he considered was Theodore Gaillard, afterwards chancellor and state judge, the brother of John Gaillard, who was subsequently a senator. William Johnson's name was sent to the Senate March 22, 1804.<sup>4</sup>

<sup>1</sup> *Writings*, VIII. 212, 213.

<sup>2</sup> *Id.*, 258.

<sup>3</sup> *Executive Journal of the Senate*, I. and II.

<sup>4</sup> *Id.*, I. 466.

- 1804 Feb. 17. Characters of the lawyers of S. C. W. H. T. S.<sup>1</sup>
- John Julius Pringle } These are the two principal of those called  
Waities<sup>2</sup> } republicans. They are of old standing, and  
highest repute. Pringle was wavering once,  
was even with the federalists, but got back  
again. but both are so moderate, that they  
only vote with the republicans; they never  
meddle otherwise. Pringle is so rich that he  
confines his practice to Charleston, and it is  
thought would not accept a commission which  
should call him from there. Waities is so sickly  
that he would not be able to ride. neither would  
possess the confidence of the republicans.
- William Johnson. a state judge. an excellent lawyer, prompt,  
eloquent, of irreproachable character, repub-  
lican connections, and of good nerves in his  
political principles about 35 years old. was  
speaker some years.
- Trisvan.<sup>3</sup> a state judge. of equal respectability, or very  
nearly so, and indeed in every qualification  
as Johnson. same age. but of such total  
feebleness of body as to be quite unfit.
- Gilliard. was speaker of the assembly, equal in talents  
to Johnson . . . . .  
all his connections were revolutionary tories,  
and their estates confiscated. They got some-  
thing back again, at least his father did.  
This young man was educated abroad. he re-  
turned soured ag<sup>t</sup> those in power for what  
his family had suffered. he found he had  
nothing to hope from them, and joined those  
who now constitute the republican party.  
his conduct while in the assembly was uni-  
formly firm, almost vindictive; yet in an  
instance or two, from family influence or in-  
terest he has swerved a little from sound prin-  
ciple. upon the whole, his standing is not  
quite as respectable as that of Johnson.

There appears to have been no exception in favor of non-par-  
tisan appointments in any branches or grades of the service, political  
considerations entering into all from the Supreme Court to depart-  
ment clerkships. An illustration is found in the case of Anthony  
Campbell and William P. Gardner, two clerks in the auditor's office

<sup>1</sup> Wade Hampton, a representative, and Thomas Sumter, a senator from South Caro-  
lina, doubtless Jefferson's informants.

<sup>2</sup> Thomas Waities, a State judge. <sup>3</sup> No doubt meant for Judge Lewis C. Trezevant.

during the Adams administration. In a letter to Jefferson, dated October 12, 1801, Campbell tells why he left the service. During the latter part of Adams's term the official accounts of Timothy Pickering, as Secretary of State, and of General Jonathan Dayton of the army, fell into Campbell's hands in the course of his duties, and he thought they gave evidence of "defalcations and speculations." Accordingly he carried copies of them to Duane, of the *Aurora*, and later produced the original account-book itself, with which the copies were compared, and from which several additional copies were made. The story of Federalist peculations appeared in due course in the *Aurora*, *American Citizen*, and other Republican papers. Gardner's part in the transaction was, according to Campbell, that of subordinate assistance. Campbell was dismissed and Gardner resigned, but the full measure of their offense was not discovered until after they had left the service. Upon the accession of Jefferson, Duane asked that Gardner be appointed agent to the Choctaw Indians, and that Campbell be given a commission in the army.<sup>1</sup> Gallatin wrote to Jefferson August 10, 1801: "Whatever impropriety there might be in their conduct, I have reason to believe Gardner to be a man of honor. Campbell is very impudent, but as enthusiastic as his friends (the United Irishmen, I mean) commonly are."<sup>2</sup>

Under date of August 14, Jefferson replied that Gardner either should have the place he wanted, or he "should wish to make some other provision for him." He added: "With respect to Campbell, a restoration to the same office would seem to be the best and safest redress."<sup>3</sup> Again, August 28, he wrote: "I think we should do justice to Campbell and Gardner, and cannot suppose the Auditor will think hard of replacing them in their former berths."<sup>4</sup> But when Gallatin approached the auditor on the subject he was met by a very determined opposition, and he gave it as his own opinion that Campbell, at any rate, ought not to be restored.<sup>5</sup> It was at this juncture (February 26, 1802), that Campbell wrote a voluminous and sophomoric communication to Jefferson. So far from having committed a breach of trust while he was in office, he thought his conduct most praiseworthy.

Besides being supported by the strongest hereditary claims on national gratitude, perhaps, few surviving individuals have stronger claims to the patronage of a republican administration. The mature part of my life and a competence has been devoted and sacrificed on the altars of liberty. Numerous testimonials of the truth of these assertions are in my

<sup>1</sup> Gallatin's *Writings*, I. 34.

<sup>4</sup> *Id.*, I. 42.

<sup>2</sup> *Writings*, I. 34.

<sup>5</sup> *Id.*, I. 50.

<sup>3</sup> *Id.*, I. 37.

possession. One, and the most recent, is the certificate of three virtuous, respectable and influential American republicans; testifies that I have 'rendered the United States an essential service.'

After stating that this very service had been the cause of injury to him, and that he was reduced to extremities, having parted with his watch, and even that part of his "small wardrobe not in actual service," he proceeded vehemently to defend his conduct. His disclosures had assisted the Republican cause, he said, and tended to "derange the wicked plans of the sanguinary myrmidons of reviving toryism." He did not understand that his oath of office imposed silence on clerks, or required them to conceal the irregularities of public officials. "Would it," he said, "have been patriotic to have wrapped myself up in the mantle of hypocritic silence, when I knew (or even thought I knew) there was a party in power, whose grand object it was to annihilate every vestige of republicanism; to trample on equal rights; to subvert the dearest rights of man!!" Fondly would he hope that his case might not be cited "as the last sad example of the ingratitude of Republics." He begged for an Indian agency or a clerkship.

While Gardner's application was pending, his friend Duane wrote to him. The letter is dated Philadelphia, June 11, 1801, where Duane was at the time in the debtors' prison. In the course of the letter he said he found his situation "far from irksome or inconvenient," as he enjoyed the society of his family and friends, and thought this attack on him, like former ones, likely to produce public good, as well as benefit to him personally. The letter begins, "Dear Gardner," and says: "I know that there is much Disgust felt by the Heads of Departments at the Conduct of the whole of the Clerks in the Offices and that none of them that have misconducted themselves will ultimately be retained." At the same time he pointed out the difficulty of removing them, until there had been time to estimate them and learn what duties they severally performed.

In a letter to Gallatin dated Washington, June 31, 1801, Gardner asserted that the publication of the accounts originated with him. He added:

If in your view I have acted improperly in publishing these accounts, I beg you will ascribe the Act to the purest motive. . . . I considered that the publication of these accounts wou'd have a material effect upon the minds of the people and essentially aid the Cause of Republicanism at the then approaching election. . . . It does not follow that because I have published the accounts in Question I make a practice of these things No, Sir! I adhor the Idea of such Conduct. It was done under peculiar Circumstances and at a time when no genuine Republican shou'd have been found sleeping at his post.

Following the vein of Duane's letter to him, Gardner wrote to the President from Philadelphia, November 20, 1801, saying in the course of his letter :

My attachment to the cause of Republicanism and my ardent Wishes for the prosperity of your Administration induce me to mention the names of some Persons who are now in Office under the General Government. Men who I know to be the bitterest and most violent enemies of the Principles of our Constitution. Mr. Wagner Chief Clerk in the Office of M<sup>r</sup>. Madison has in my hearing frequently ridiculed Republicanism, declaring in the language of M<sup>r</sup>. Adams, that it meant anything or nothing. He has said that he never knew a man among the Republicans trustworthy, of probity or principle. About two years since he made a Bet with Mr. Jeremiah Pearsal of this City that M<sup>r</sup>. Gallatin in the Course of one year from that Date wou'd either be hung or sent out of the Country, observing at the same time that he considered himself perfectly justified in making the Bet from the well known infamy of M<sup>r</sup>. Gallatin's Character. . . . The late M<sup>r</sup>. Robert Jones Heath informd me when I was at Washington that Edward Jones, Chief Clerk in the Treasury Department was one, among a few others, who at Trenton in the year 1798, when the public Offices were there, gave M<sup>r</sup>. Heath an invitation to drink a Glass of Wine and the first Toast given was "D——n to Thomas Jefferson."

He gave a list of "Revilers and slanderers of those under whom they are now placed." It included seven names of clerks in the several departments.

March 10, 1802, Gardner was nominated to be consul at Demerara,<sup>1</sup> and on March 25 Campbell's name was sent to the Senate as an ensign in the army.<sup>2</sup> Yet both of these men had been guilty of a flagrant breach of trust. Even if the accounts which they published had really proved defalcations by Pickering and Dayton (which they did not do) their action in disclosing official secrets was none the less blameworthy. Campbell had done more than this. He had purloined for a brief period the official record, an offense now punishable by fine and imprisonment. That they thought themselves right and that they were rewarded by Jefferson simply shows how political passion may blind the better natures of men.

But while the President was often blinded to the faults of ardent, effective Republicans, there was one Republican of fast-rising reputation in the country whom he estimated carefully and perhaps unfavorably. It was Andrew Jackson, of Tennessee. In the spring of 1804, when Jackson was in Washington, he wrote to his friend, George W. Campbell, on the subject of his candidacy for appointment as governor of the newly-created Territory of Orleans. He

<sup>1</sup> *Executive Journals*, I. 409.

<sup>2</sup> *Id.*, 415.

would not, he said, personally solicit the post from the President, as he considered such a course unworthy, and he did not, apparently, think his chances of appointment promising. He continued :

Who the choice is to fall upon is not known here unless to the secretary of State—but I have reason to conclude that Mr. Claiborne will not fill that office,<sup>1</sup> I have also reason to believe that if a suitable character can be found who is master of the French Language that he will be preferred. I think that, a proper qualification of the Governor of that country to possess, provided it is accompanied with other necessary ones. I never had any sanguine expectations of filling the office. If I should it will be more than I expect.<sup>2</sup>

Jackson's name was regularly brought forward in a joint letter to Jefferson from the Tennessee senators, Anderson and Cocke, the representatives, Campbell, Dickson and Rhea, and Matthew Lyon, whose tempestuous career in New England had terminated, and who was then a representative from Kentucky. The letter, which is undated, is as follows :

FEDERAL CITY

Sir—

We the undersigned being sensibly impress'd with the importance of haveing a proper Character for Governor of Orleans—and believing it to be our duty, to bring to your View such a one as we believe will so Conduct as to promote the best interest of the United States—and possess the Confidence of the Western people ; whose interest will be very greatly concernd therein—and believing that the person, who shall be appointed to that office—ought to possess in an eminent degree zeal and inflexible integrity—perspecuity of mind and soundness of Judgment—promptitude in decision, in emergent cases—and firmness in their Execution ; such a knowledge of the Human mind as to manage its foibles, its follies, and its views so as to conciliate them to obedience to the Laws ; or to punish them with such discretion, as to leave no cause for murmur—and yet Command Submission—easy of access to all who may have business to transact and yet so-deport himself as to preserve the proper dignity of the office—Such qualities do we recognize in the Honble Andrew Jackson now one of the Judges of the Superior Court—and Major General of the State of Tennessee—and do therefore recommend him, as a proper Character for that appointment—with Sentiments of Very high consideration.

JOS: ANDERSON  
W<sup>m</sup> COCKE  
G: W: CAMPBELL  
W<sup>m</sup> DICKSON  
JOHN RHEA  
M. LYON.

<sup>1</sup> He was appointed.

<sup>2</sup> Parton's *Jackson*, I. 237.



Daniel Smith, who had recently retired as senator from Tennessee, and who resumed the office in 1805, also wrote in Jackson's behalf, but a neighbor of Smith's in Sumner County, William Henderson, thought it proper to warn the President against appointing the man whose feud with Governor Sevier had just terminated and who was on the eve of his deadly quarrel with Charles Dickinson.

SUMNER COUNTY—STATE OF TENNESSEE.  
February 28<sup>th</sup> 1804

Dear Sir

I congratulate you upon the Session of the Louisiana Country to the United States. we are informed that it will be divided into two Territorial districts, I suppose each district will have a Governor and am apprehensive that Andrew Jackson of this State has by some of his friends and connections been recommended to you as a proper person to fill one of those important Offices.

As I have some expectations of being a Citizen of that Country I feel myself somewhat interested in those appointments.

Sir from my long acquaintance with you I have taken the liberty of dropping a few hints (to you) for the good of the public and citizens at large respecting that Gentleman I have been acquainted with Mr Jackson for several years and view him as a man of Violent passion, arbitrary in his disposition and frequently engaged in broils and disputes. No character escapes him, is now sued for an assault and Battery, and in a few days will be indicted for a breach of the peace, Such a character I conceive is not a proper one to fill the office of Governor tho he is a man of talents and were it not for those dispoitic principles he might be a usefull man.

I am D Sir Respectfully

Your M<sup>o</sup> ob. and Hum<sup>l</sup> srv.

WILLIAM HENDERSON.

How far Jefferson was influenced by Henderson's letter in his rejection of Jackson can only be conjectured. It is probable, however, that he shared Henderson's opinion, for, many years afterwards, he pronounced Jackson, according to Daniel Webster's report, "a dangerous man."<sup>1</sup> Such, briefly, is the story of the unsuccessful attempt of the future hero of the Democratic party to obtain an office from its first leader. At the time when Jackson was an office-seeker Jefferson had been President nearly three years. He was dispensing the federal patronage carefully and methodically, but the result of his methods did not differ materially from that attained by Jackson a generation later.

The papers already quoted are a fair index to Republican public sentiment in New England and the South. In the Middle States

<sup>1</sup> See Parton's *Jackson*, I. 219.

party feeling ran almost, if not quite, as high. The following memorial is against Moses Kempton, collector of customs at Burlington, New Jersey. He was removed and William H. Burr, whom the memorialists recommended, was appointed in his place March 24, 1804.<sup>1</sup>

To the President of the U. States,—

The Memorial and Representation, of the Subscribers, republican Citizens, of the district of Burlington, in the State of New Jersey, respectfully Showeth—

That we have beheld with considerable regret for some time past, Moses Kempton Esquire, in occupancy of the office of Collector of the Customs, for this District; and pray that he may be succeeded by William H. Burr Esquire; for the following reasons.—

1st The said Moses Kimpton is a violent Federalist, and a rigid persecutor of Republicans; as a proof of which we state the following facts; On the 10 February 1802 William Pearson, (in company with William Coxe both members of the Legislature, and violent friends of order) was arraigned at the Bar of the Court, of Quarter Sessions, of this County; for waylaying and inhumanly beating, a respectable republican Citizen, viz. Ebenezer Tucker Esquire, on the Question of the Court (of which Mr. Kimpton was a member) what sum the said Pearson should be fined, for the outrage, the said Kimpton voted for the culprit to pay the insignificant sum of *10 cents*; when William H. Burr Esquire and other republican members, voted that Pearson should be fined from 500 to 800 Dollars; see the “True American of the 30 March 1802.—2<sup>nd</sup> We very much doubt the said Kimptons, Honesty and Integrity. . . .

We presume it would be superfluous, in us, to remind the President, how expedient it is, to remove from power, and Influential offices, men of M Kimptons character and violence; and for men to succeed them, who are just and moderate, and who are not only attached to Republican Men, but Republican measures. . . .

District of Burlington

May 25<sup>th</sup> 1803

AMOS HUTCHINS

GEORGE PAINTER,

and seven others.

Republicans in Pennsylvania, as those in Connecticut and South Carolina, asserted that some of the Federalists were intriguing with a view to overthrowing the republic. Tench Coxe wrote to Jefferson from Lancaster, April 23, 1801:

It is not a pretense, that there exists in the United States an interest unfriendly to representative government, and that it has formed a local American alliance, and a foreign anti-republican Alliance. How

<sup>1</sup> *Executive Journal of the Senate*, I. 466.

far it has influenced the appointment of many incumbents in office will not escape consideration on the present occasion. . . . If we survey the channels thro which the persons alluded to have worked upon the public mind we shall find them filled with arguments against any changes, to cover those, which they most desire to maintain in office and promote the introduction of other persons of like principles and opinions. Under such circumstances it becomes *deeply* interesting, that sincere, vigilant, energetic, firm and able friends to our form of government should be employed.

From Carlisle, March 23, 1801, William Irvine wrote in a similar vein to Madison :

Many of us, you and I amongst the first, have been some years past vilely traduced, as men who were using every effort (insidiously too) to destroy the Government. this charge might fairly and on good ground be retorted. but it is time if it can be effected to have done with revilings and abuse ; I fear however it will be difficult, as that will not answer the purpose of the oposite party, some of whome I am confident will be satisfied with nothing short of some form of Monarchy. these to be sure are not numerous, and they would be deserted by many who talk highly of their Federalism, the moment they understood their leaders actually meant a Monarchy. They all now, at the present moment, affect great moderation, speak of conciliation as very desirable, extoll the Presidents speech—&c &c. But mark the end. they expect and wish conciliation all on one side. so soon as they find that they and friends are to be dismissed from office, the [*sic*] will bounce and kick.

My opinion on this head is, that their temper and spirit should be fairly tried, there is no danger in an experiment of this kind, they say the Democrats (an epithet of reproach) have not capable men enough to fill the offices if they were even well disposed. I am among those who gives no credit to this, I believe there are plenty as capable and much more deserving in all respects than the present incumbents.

On general principle, I am persuaded it will be highly injurious to the Republican interest, if the changes are not pretty general. For Pennsylvania, where the thing has come more immediately under my observation, I know it is indispensably necessary that a general change should take place in the Excise officers particularly, they never were very well chosen . . . . it is well known that Excise officers in Penn<sup>a</sup> have made use of the powers the office gave them to its full extent, for Electioneering purposes, and in short, trample on the Republicans—by pressing them, when in their power, and sparing the Federalists, to the risk and perhaps ultimate loss of the public—the Chief of these gentry, it is well known, had much, very much influence, in keeping together the 13 members of the Penn<sup>a</sup> Senate, who prevented an unanimous vote for Mr Jefferson . . . . If they are not turned out, in due time, it must and will discourage hereafter the exertions of the Republicans, this is human nature, no danger will result from putting down one set and gradually raising the other in their stead. . . . .

Many (friends too) fear lest the President and heads of Departments may be too timid, conciliating and temporizing. I tell them, I cannot believe this. they must and will see the propriety and necessity of decision and firmness, mixed no doubt with temper and moderation—at the same time preferring the friends and real supporters of Government to their and its enemies. . . .

The political situation in New York has been in an ensnarled condition since the beginning of the government. Jefferson determined at the outset to make removals there. He wrote George Clinton, May 17, 1801 :

To you I need not make the observation that of all the duties imposed on the executive head of a government, appointment to office is the most difficult and most irksome. . . . Disposed myself to make as few changes as possible, to endeavor to restore harmony by avoiding everything harsh, and to remove only for malconduct, I have nevertheless been persuaded that circumstances in your state, and still more in the neighboring states on both sides, require something more. It is represented that the Collector, Naval Officer and Supervisor ought all to be removed for the violence of their character and conduct.<sup>1</sup>

An unsigned paper in the handwriting of Aaron Burr, and endorsed by Jefferson "from Col<sup>o</sup> Burr" reads as follows :

## NEW YORK

|  |  |
|--|--|
| David Gelston collector vice Sands<br>John Swartwout Marshall——Giles<br>Theod <sup>r</sup> Bailey Super <sup>r</sup> and Inspect.—Fish<br>Matth. L. Davis Naval officer——Rogers<br>Ed. Livingston Dist. Att <sup>y</sup> ——Harrison. | } The republ <sup>s</sup> of the N. York delegation in Senate and H. of Rep. are unanimously of opinion that these changes should immediately be made. They unite also in the arrangement here proposed except that one Gentleman would prefer that Bailey and Davis should change places. Willet and Browne are also candidates for the office of Marshall. They are all well known to A. Gallatin. |
| Post M. <sup>r</sup> at Esopus vice Elmendorf<br>D at Poughpsie vice   | } These are the suggestions of A. B. from personal knowledge.  |

Bailey and Davis were not appointed, but the other names on the list were sent to the Senate.

Yet from New York came almost the only letter in favor of the appointment of a Federalist to office. It was written by Samuel

<sup>1</sup> *Writings*, VIII. 52, 53.

Miller February 6, 1805, and was addressed to Gallatin. It is needless to say its recommendation was unsuccessful.

Judge Hobart of our district is dead ; and the necessity of appointing another district Judge will immediately occur. The object of this letter is to ask whether Mr. *William Johnson*, of our city, (with all his federalism) would stand any chance of being thought of, and nominated to this office? You are somewhat acquainted with his general character ; and those who know him more intimately, I am confident, would find no difficulty in recommending him highly as a man of talents, learning, integrity, dignity and urbanity. If I mistake not, his talents are peculiarly fitted to fill with honor and usefulness a judicial seat ; and his great modesty renders such a plan peculiarly desirable to him. His political character, (tho' on the wrong side) is remarkably mild and unoffending ; and I am firmly persuaded would give no trouble to the government, or to any one else. . . .

The applications for office during Jefferson's administration prove beyond dispute that prevailing public sentiment on the subject of appointments and removals was in favor of their being made for political reasons. Jefferson recognized and followed this sentiment, and he achieved a popularity which increased instead of diminishing. His first election to the presidency was obtained by a narrow majority through the House of Representatives, the electoral colleges failing to give him a majority vote. His second election was won easily, the opposition to him having become insignificant, and he might have secured a third term had he desired it. After his retirement he still remained the foremost character in America in the eyes of his party, and that party has continued to conjure with his name for nearly a century. No other president since Washington has enjoyed such a popular approval, with the possible exception of the man whom he would not appoint as governor of the new Territory of Orleans, and whom his correspondent described as "of Violent passions, arbitrary in his disposition and frequently engaged in broils and disputes."

GAILLARD HUNT.

## TAMMANY HALL AND THE DORR REBELLION

SINCE the adoption of the Constitution of the United States, no civil or political conflict has arisen in any state more interesting to the historian of American life or more instructive to the student of political and constitutional matters than the so-called "Dorr Rebellion" in Rhode Island. The six weeks of armed controversy, during the months of May and June, 1842, were but an incident in the three years' struggle for a more popular government in the little commonwealth, and the agitation of the years 1841-1843 was but one step, though the most important, in the change from the oligarchy of 1775 to the democracy of 1888. The Dorr Rebellion was not an isolated fact. An understanding of its meaning and importance can be obtained only by a thorough study of the political and constitutional history of the colony and the state from the reception of the charter of 1663 until the adoption of the suffrage amendment to the constitution in 1888.

The issue underlying this whole struggle was the general right of the people to adopt a new constitution. In the words of the Rhode Island Suffrage Association, the position held by the advocates of a change in the form of government was that "whenever a majority of the citizens of this State, who are recognized as citizens of the United States, shall, by their delegates in convention assembled, draught a constitution, and the same shall be accepted by their constituents, it will be, to all intents and purposes, the law of the State." In other words they declared that a "majority of the 'governed' have at any time, and on any occasion, a right to change their government—a right which being inherent, unalienable and indefeasible, not even they can part with by their free and voluntary act."

In the course of the struggle between the "People's Party" and the "Law and Order Men" or the "Algerines," as they were called by their opponents, several other issues presented themselves. When the rival state governments appealed to the President of the United States to bring the national government and the federal army into the contest, the constitutional issue was raised as to the authority of the national executive as an arbitrator in such crises in the commonwealths. The right of the national legislature and that of the federal judiciary to decide between the two conflicting govern-



ments were most thoroughly discussed in connection with this controversy. It is evident that, though the contest was local, the questions presented were national in importance.

Several other issues came into view before the contest was ended. The refusal of certain state governors to honor the requisition of the *de-facto* governor of Rhode Island to hold in arrest the fugitive leader of the defeated party, added a complication to the situation. The declaration of martial law by the "Law and Order" governor, under power voted him by the "Charter" general assembly, led to the decision of the supreme court of the state of Rhode Island, and to the individual opinion of Justice Woodbury, of the United States Supreme Court, in the famous Luther-Borden case. Again, when the contest had subsided, the trial of the leader of the insurrection gave rise to the novel plea that there could be no treason against a single state, inasmuch as the Constitution of the United States defined treason against the United States only. Further, the natural conflict between legislature and judiciary was emphasized by the action taken by the Rhode Island general assembly, several years afterwards, in ordering that the records of the trial for treason and the conviction of "Governor" Dorr be obliterated from the records of the state.

Not the least interesting among the constitutional, political, legal and social issues which the Dorr Rebellion produced were the various attempts made in other states to interfere in the Rhode Island controversy. The "cause of liberty," so dear to the American people, would not permit them to let this contest pass by without expressions of sympathy at least. From Maine to Louisiana the newspapers freely expressed themselves in favor either of the "People's Party," or of the "Law and Order" government. Within the state of Rhode Island national politics did not enter into the controversy, as leading Democrats joined with the Whigs in establishing the charter government in 1842. Elsewhere the newspapers and the people in general were influenced, almost without exception, by their party predilections as they took sides on the issue.

In Boston the Democratic *Post* was very earnest in its support of the "People's Party" and the Dorr government. It was the first newspaper, outside of Rhode Island, to call attention to the struggle in the neighboring state, and, from the beginning of January, 1842, until long after the "People's Government" had entirely collapsed, the *Post* continued to praise the Suffragists, and to heap obloquy upon the "Algerines" and every opponent of the popular movement. On the other hand, the Boston *Atlas*, true to its Whig principles, found the Democracy hidden behind Dorr and his party, and

vehemently upheld the charter government. As early as April 20, 1842, it said editorially: "The Rhode Island Loco-Foco revolution turns out, as we presumed it would, to have been a bloodless one."

In New York also the newspapers divided along party lines. The *Evening Post*, assisted by the *New Era*, notorious under the editorship of Levi Slamm, was insistent in season and out of season, that the rights of "the people," and of Governor Dorr in particular, should be protected. The *Courier and Enquirer* and the *American* enthusiastically supported Governor King and bitterly commented upon every act of the "revolutionists." No less certain of its position was the Washington *National Intelligencer*, which daily informed its readers of the situation in Rhode Island, and animadverted upon the desperate wickedness of all who opposed the legitimate government in the little commonwealth. Interest in the controversy extended even farther than the national capital. The *Richmond Enquirer* advised the federal government to keep its hands off. "Move not a soldier,—send not a musket into Rhode Island." The New Orleans *Commercial Bulletin* took a different view, and demanded interference. "The posture of affairs in Rhode Island is truly deplorable, and if suffered to proceed much farther will do more to impair American credit and character abroad than any event since the date of our government."

Naturally the people were not far behind the newspapers in giving expression to their sentiments. The strength of the "Law and Order" government was soon perceived, however, and the weakness of the "People's Party" prevented the necessity of any special movement in opposition to it. Mass meetings were held in various cities, Philadelphia and Boston in particular, to express sympathy for the "oppressed people" of Rhode Island. New York took the lead in advising the use of arms in establishing the "People's Government," and in resisting the government *de facto*, even though the latter be aided by the federal authorities.

About the middle of April 1842 the *Evening Post* called attention to a proposed memorial, which was in circulation in the city of New York, "calling on the House of Representatives to impeach President Tyler for his armed interference, or threatened coercive measures against the people of Rhode Island in their struggle to cast off the authority claimed over them under King Charles Second's Charter." This memorial was never presented, but a meeting of sympathy was held in Tammany Hall on the evening of April 27. Aaron Vanderpoel was chosen president for the occasion and A. W. Parmenter, of Rhode Island, presented the cause of the suffragists. Though not numerously attended this gathering prepared

the way for later meetings, when the inherent weakness of the Dorr movement was more clearly perceived.

The inauguration of Governor Dorr, May 3, 1842, was quickly followed by a hasty trip to Washington. Here Dorr met President Tyler, Mr. Webster, Secretary of State, and other leaders of the great political parties, but he failed to obtain sympathy for himself or his party sufficient to encourage him to proceed farther in the attempt to establish his government. Had Governor Dorr passed directly through New York on his return from Washington to Providence, the sequel of events in Rhode Island would have been materially altered. The testimony at hand seems to justify the conclusion that the Civil War, which broke out on May 17, would have been entirely averted. Governor Dorr had learned in Washington that he not only could hope for no help from the national executive, but must also expect to find the federal troops assisting the *de facto* government. He had, however, found the President anxious to avert civil strife, and ready to use his influence to obtain an act of indemnity for the entire People's government. It was evident, even to the enthusiastic suffrage leader, that he could not cope with the national government, even if his party, which he thought to be a numerical majority of the people of Rhode Island, might perhaps successfully resist the Charter government. On his arrival at the metropolis, therefore, he had determined, though very reluctantly, to leave the government *de facto* in peace, and to trust to the good offices of President Tyler to effect a compromise.

Governor Dorr was very cordially received on his arrival in New York. One of his fellow commissioners, Burrington Anthony, had returned at once to Rhode Island ready to carry what comfort he could to his friends at home. The third commissioner, Dutée J. Pearce, who has been called Dorr's right-hand man, remained with his leader. The two Rhode Islanders were invited to attend the Bowery Theatre, that evening, by certain prominent Tammany leaders. The fact of the acceptance of this invitation by the two distinguished visitors was duly announced in the daily press, and was even supposed to have increased the size of the audience. Most notable among the distinguished Tammany men escorting the governor was the Hon. E. F. Purdy, ex-president of the New York Board of Aldermen. This act of courtesy was but the beginning of the attentions which were bestowed upon the People's governor. The time spent in the metropolis was very short, being scarcely more than one day, but every one of the governor's waking hours was monopolized by his new friends.

Saturday forenoon Tammany Hall accorded a reception to the

governor and to Welcome B. Sayles, the speaker of the People's general assembly. Several hours were spent by these two suffrage leaders in talking over the condition of affairs in Rhode Island, and the counsel which Tammany Hall gave to the People's party is evident from the sequel which came less than four days later, the famous attack on the arsenal. When the time came for the governor to resume his journey to Providence he found that a crowd had collected in the park, desirous of obtaining a glimpse of the distinguished stranger. Immediately a procession was formed as an escort, under the head of William H. Cornell. Besides the five hundred people who marched in citizen's dress, the services of a band were obtained, and also a company of volunteer firemen. Governor Dorr and Speaker Sayles were accompanied in their barouche by ex-Alderman Purdy and Slamm, the editor.

The open sympathy thus shown the disheartened governor was accentuated by a communication which he received before leaving the city.

NEW YORK, May 13, 1842.

To Thomas W. Dorr, Governor of the State of Rhode Island ;

Sir:—Several military companies of this city and vicinity having tendered their services to form a military escort to accompany you to Providence, we have the honor to apprise your Excellency of the fact. This distinction which they so much admire, we hope will meet with your cheerful acceptance.

With sentiments of the highest respect,

We are, very respectfully, yours

ALEXANDER WING, JR.,

Col. 13 Reg't. N. Y. A.

ABRAHAM J. CRASTO,

Lt. Col. 236 Reg't. N. Y. S. I.

In reply Governor Dorr wrote as follows :—

NEW YORK, May 14, 1842.

To Cols. Wing and Crasto ;

Gentlemen:—I return to you my most sincere thanks for the offer contained in your letter of yesterday of an escort of several military companies to accompany me to the city of Providence. It is impossible to mistake the spirit in which this offer is made. It is an indication of the fraternal interest with which you regard the present struggle for their just rights of the people of Rhode Island, whom I have the honor to represent.

While I should not feel justified at the present moment in withdrawing you from your homes and business on the expedition contemplated, allow me to say that the time may not be far distant when I may be obliged to call upon you for your services in that cause to which you will

so promptly render the most efficient aid—the cause of American citizens contending for their sovereign right to make and maintain a republican constitution and opposed by the hired soldiers of the General Government.

In this unequal contest I invoke your aid and that of your associates in arms. We appeal from the Government to the people, and rely upon them in the last resort to defend our rights from every arbitrary aggression.

Be pleased to make my cordial acknowledgements to officers and privates, who have kindly united with you in the honor which has been proffered me ; and accept the regards of your friend and fellow-citizen.

THOMAS W. DORR.

During the time that Governor Dorr had been absent from the state the People's government had practically ceased to exist. The executive officers had failed to obtain possession of any of the state papers and documents, and accordingly were unable to perform any executive functions. The legislature had adjourned after a single day's session and many of its members had publicly announced their resignations and their determination no longer to uphold the People's government. The judiciary did not exist, inasmuch as the legislature, during its short session, had failed to choose judges. Many of the prominent leaders of the Suffragists were under arrest and the favor of the federal authorities was evidently with the Charter government. A few men only stood firmly for Governor Dorr and the People's government. On his return to Providence, Burrington Anthony addressed an open-air meeting, which was held in front of the state house. The delegate presented a highly colored account of the results of his flying trip to Washington, and a series of resolutions was passed denouncing all compromises, pledging resistance to all efforts of the Charter government to arrest the leaders of the People's Party, and promising to protect and defend Governor Dorr to the end.

Such was the situation in Providence when Dorr arrived in the city at about ten o'clock Monday forenoon, May 16. A large crowd of enthusiasts and curiosity-seekers greeted him at the station, and escorted him to the residence of Mr. Anthony, which the governor wished to use as his headquarters. Before dismissing his escort Dorr made an address which showed the influence which his New York visit had had upon his plans. A rumor was current in the city that the governor had procured the aid of 500 men from abroad. Dorr denied the truth of this statement, but said that he had been promised the aid of 5000 men, and that he could have them at any time. He was sure of assistance enough from New York to paralyze any force which the United States might use

against the Suffrage party in Rhode Island. The governor then drew a sword and, holding it out, declared that it had belonged to an officer who had died in Florida, and had been presented to him by a brother of this officer; adding that that sword must never be dishonored while in his possession.

The Suffrage organ, the *Express*, that same day, published a proclamation signed "Thomas W. Dorr, Governor and Commander-in-Chief of the State of Rhode Island and Providence Plantations." In this official address he presented to the people of the state the facts concerning his trip to Washington. He stated that President Tyler had intimated

an intention of resorting to the forces of the United States to check the movements of the people of this State in support of the republican constitution recently adopted. From a decision which conflicts with the right of sovereignty inherent in the people of this State, and with the principles which lie at the foundation of a democratic republic an appeal has been taken to the people of our country. They understand our cause; they sympathize in the injuries which have been inflicted upon us; they disapprove the course which the National Executive has adopted towards this State; and they assure us of their disposition and intention to interpose a barrier between the supporters of the People's constitution and the hired soldiery of the United States. As your representative, I have been everywhere received with the utmost kindness and cordiality. To the people of the City of New York, who have extended to us the hand of a generous fraternity, it is impossible to overrate our obligation at this most important crisis. It has become my duty to say, that, so soon as a soldier of the United States shall be set in motion, by whatever direction, to act against the people of this State, in aid of the Charter government, I shall call for that aid to oppose such force, which, I am fully authorized to say, will be immediately and most cheerfully tendered to the service of the people of Rhode Island from the City of New York and from other places. The contest will then become national, and our State the battle ground of American freedom. As a Rhode Island man, I regret that the constitutional question in this State cannot be adjusted among our own citizens. They who have been the first to ask assistance from abroad, can have no reason to complain of any consequences which may ensue.

No comment is necessary to show some of the results of the reception which Tammany Hall had tendered to the People's governor of Rhode Island.

While Governor Dorr was in New York he sent a letter to the governor of Connecticut, and, on the day after his return to Providence, he sent another similar letter to the governor of Maine. In these messages he requested the executives to call the attention of



their legislatures to the situation in Rhode Island. He asserted that the people of Rhode Island were "threatened with a military intervention unless they abandoned their constitution and surrendered all their rights." He declared that they were "unable to contend singly against the forces of the United States," and that they must invoke the aid of the other states "in this contest which involves the great principles of American Freedom, and the dearest privileges of a Sovereign People."

The Dorrites, as the comparatively few suffragists who followed the governor in this movement, might properly be called, had decided to assert their rights, in opposition not only to the Charter government of the state, but also to the President and the army of the United States. It is difficult to understand such a situation. No explanation of this decision is possible except that Governor Dorr had become convinced and had convinced his followers that the Democracy of the United States was anxious for the opportunity to rush to the aid of "the people" of Rhode Island. He must have believed either that he could frighten the President into holding back his promised assistance to the Charter government, or else that, if the national executive persisted in sending aid, the People's party would receive not merely the expressed sympathy but also the personal aid of a large portion of the citizens of the nation. Nothing less than the cordial welcome shown him during his short stay in New York and the personal promises of material assistance which he received from Tammany Hall could have led him to this mistaken position. That his head was turned by the hero-worship accorded him furnishes the simplest explanation of his folly.

After Governor Dorr's return to Rhode Island, his New York friends did not cease to keep up the agitation in that city. A call was issued for a meeting in the Park in front of the City Hall, which contained such signatures as those of Stephen Allen, John I. Morgan, Walter Bowne, A. Vanderpoel, William C. Bryant, Samuel J. Tilden, Elijah F. Purdy, Alexander Stewart and Levi D. Slamm. The meeting was largely attended, the various newspaper reports giving the number present as from three thousand to twelve thousand. Churchill C. Cambreleng was chosen president, and, among the long list of vice-presidents nominated by E. J. Purdy, were the names of most of the signers of the call, some of whom were not present. The meeting was addressed by Vanderpoel, Cambreleng, Ely Moore, and others, and the resolutions adopted expressed confidence in the Dorr party, and declared that President Tyler ought not to interfere in the affairs of Rhode Island in any way. A corresponding committee of twelve was appointed, to whom was left the

duty of continuing the movement in behalf of the People's party. This committee consisted of Vanderpoel, Purdy, Tilden, Moore, Slamm, and others, among whom the most ardent of Dorr's supporters were Slamm and Purdy.

Editor Slamm, in the New York *New Era*, immediately began to urge that armed assistance should be given to the Dorr party, in opposition to the national government. "All that is contemplated and all that has been asked," he said, "is to raise men enough to resist" the United States soldiers. An official bulletin appeared in the editorial columns of the *New Era*, entitled "Enrollment of Volunteers," the latter portion of which read as follows:

And, whereas it is apprehended that the President of the United States, unobservant and forgetful of the duties imposed upon him, may, in a false construction of his prerogative, send mercenary soldiers of the Federal Government into the territory of our sister State of Rhode Island for purposes offensive against and dangerous to the liberties of the *people*; for these reasons, we, citizens of the United States, who herein-after subscribe their names, appealing to Divine Providence for the purity of our motives, pledge 'our sacred honor' to hold ourselves in readiness, to be organized into companies of 'Patriot Volunteers,' under such officers as shall by ourselves be elected, and upon the requisition of Governor Dorr to march at the shortest notice to the aid of our Republican brethren of Rhode Island in the event that any *armed interference* be made by the Federal Government to the jeopardy of their *Inalienable* and *indefeasible* rights.

This official bulletin appeared in the *New Era* on May 20, and must therefore have been prepared for publication not later than the nineteenth. It was in the early morning of the eighteenth that Governor Dorr made the attack upon the arsenal at Providence, which was defended by the Charter authorities without the aid of the federal troops. The attacking force failed to obtain a peaceful surrender, and Governor Dorr ordered that one of his cannons should be fired. The audacity of this order can scarcely be conceived. In a dense fog, with less than two hundred men, with almost no ammunition for their two small cannon, the order is given to fire upon a building, built of stone, stocked with powder and balls, and fully guarded. If a gun had been fired, the cannons in the arsenal would have murderously ploughed down the unprotected attacking force. But the guns did not go off. They were flashed twice, but without result. The attack was a failure. No blood was shed, but the little band was compelled to withdraw from the field. Governor Dorr would have fired upon the arsenal, had he been able. If he had succeeded, he would very possibly have fallen at the first return fire. In any

case, doubtless, the sound of the first gun, on that foggy night, would have caused blind attack and counter-attack, and great loss of life might easily have followed. The New York friends of the People's governor are not responsible for the failure to begin a true civil war in Rhode Island.

Barely had the "Enrollment of Volunteers" editorial appeared in the *New Era* when the news of the farcical failure of the attack on the arsenal reached the metropolis. According to all human probability, the "war was ended." Even the enthusiastic New Yorkers now saw that further aid was useless. "Judging from their looks" said the New York *Commercial Advertiser*, "never did a set of people feel before quite so foolish and forlorn as did the leaders of the Park meeting of insurgent sympathizers on the receipt of the news from Rhode Island yesterday. They tried to whistle their courage up for a while, and even attempted to deceive themselves by the miserable lie that it was Governor King who had fled and not the puissant Dorr. But it was no go. The flag which had been kept flying for several days at Tammany Hall, in honor of Dorr and his proceedings, was struck, and all looked as though 'melancholy had marked them for her own.'"

One only of the leaders among the Dorr sympathizers continued to uphold the fortunes of his friend, even after he had fled from the state. Levi Slamm, whose paper had met with a natural death, is reported to have made a trip to Woonsocket, just over the border line from Massachusetts, and to have spent several hours urging further resistance. He was present also, with a small band, at the gathering at Acote's Hill, near the end of June, but hastened home when Dorr a second time became a fugitive. Thus ignominiously ended the great Tammany movement to set up a popular government in Rhode Island, in opposition to the *de facto* government and the federal authorities.

ARTHUR MAY MOWRY.

## DOCUMENTS

### *1. Orders of Mercer, Sullivan and Stirling, 1776.*

By the kindness of Dr. N. P. Dandridge, of Cincinnati, the REVIEW is enabled to print extracts from a manuscript Revolutionary orderly-book in his possession. The volume is an ordinary thick blank-book, 8 inches by 6. About half of it was used as an orderly-book. The remainder was subsequently used for miscellaneous accounts, extending through the remainder of the century, and evidently kept first in New Jersey and afterward in Ohio. Internal evidence shows the book to have belonged originally to some one in Col. Samuel Miles's Pennsylvania Provincial Rifle Regiment. It begins with regimental orders of that body, extending in time from May 16, 1776, to August 13. Up to the latter part of July these alone are given, and the regiment may be traced from Marcus Hook (May 16), through Philadelphia (July 5), Allentown (July 7), Brunswick (July 9), Amboy (July 11-17), and Elizabeth (July 18, 19) to Amboy. Before the close of July brigade orders and general orders begin to be intermixed, and the regimental orders become less frequent. From August 12 to August 23, at which date the military portion of the book ends, one finds interspersed an interesting series of the general orders of Washington, preparatory to the campaign around New York and the battle of Long Island. But these have already been printed in Force's *Archives*. We select for present publication a series of orders intermediate in grade between these general orders of the commander-in-chief and the regimental orders of Col. Miles. We present, in chronological order, with unimportant omissions, first, the general orders of Gen. Hugh Mercer, commanding the Flying Camp, of which, during these dates (July 29-August 9) Miles's regiment was a part. By Washington's orders of August 12 the Pennsylvania Rifle Regiment was made a part of Stirling's brigade, and the latter a part of Sullivan's division. The remaining orders here printed are therefore divisional orders of Sullivan (August 13, 14) and brigade orders of Stirling (August 13-22). The documents are too early in date to have much direct value with reference to the battle of Long Island (Howe landed on August 22), and do not cast strong light on any serious fighting. But it is thought that they have their value as showing the state of the American army during these weeks, and the efforts made to prepare it for the approaching conflict.

The accounts which fill the portion of the book not used for military purposes indicate that it was, from 1784 on, the property of Jesse Hunt, who migrated from New Jersey to Cincinnati in 1788. From him it passed to his son-in-law Nathaniel Green Pendleton, son of Nathaniel Pendleton of New York, Hamilton's second in the duel with Burr. N. G. Pendleton was the grandfather of Dr. Dandrige. Since ten sergeants in Miles's regiment were reported missing after the battle of August 27, 1776 (*Penn. Archives*, 2d ser., X. 204-232), it is easy to see why the orders in the book cease with August 23. But as no sergeant or commissioned officer in the regiment was named Hunt, it is not known how the book came into the possession of a New Jersey family of that name.

Head Quarters Perth Amboy 29<sup>th</sup> July 1776.

Orders issued by the Honble Hugh Mercer Esq<sup>r</sup> Commanding Officer of the Flying Camp

Parole—York—Countersign

Whereas the Honble. Continental Congress have been pleased to Ap-  
point Col<sup>o</sup> Sam<sup>l</sup> Griffin to be Adjutant General to the Flying Camp, All  
Orders Issued by the Commanding Officer through him Either written or  
Verbal are to be Strictly Attended to and punctually Obey'd. Brigade  
Majors to Attend at the Adjutant Gen<sup>ls</sup> Office between the Hours of 10  
in the forenoon and 1 in the Afternoon. All returns to be made to the  
Adjutant General.

The Commanding Officers of the Battalions are to meet at Gen<sup>l</sup> Rober-  
deau's Quarters at 11 o Clock this forenoon to report to the Commander  
in Chief the State of the Provisions and whether they are Served out  
Regularly. The Quarter Master and Q<sup>r</sup> M<sup>r</sup> Serg<sup>t</sup> to receive the provis-  
ion from the Commissary and to distribute them. Two men from each  
full Company and one Man from Each Company not Exceeding forty in  
Number to be Appointed Camp colour men whose particular Duty it  
must be to Attend the Q<sup>r</sup> M<sup>r</sup> and Q<sup>r</sup> M<sup>r</sup> Serj<sup>t</sup> to Sweep the Streets of their  
Respective Encampments, to fill up Old Necessary houses and make new  
ones, all Offall and whatever else may tend to Injure the Health of the  
Troops. The Quarter Masters to be Answerable to their Commanding  
Officers for a Strict observance of this Order. For the future the Adju-  
tant Gen<sup>l</sup> will send the Parole and Countersign under a Sealed Cover by  
the Orderly Adjutant at Head Quarters to the Majors of Brigade they at  
retreat Beating are to deliver the Parole and Countersign to the Field  
officer of the day who is to deliver them to the Officers of Guards and to  
the Adju<sup>ts</sup> who are to Communicate them to their Respective Guards.  
A Fatigue Party Consisting of one Serjeant and 12 Privates to Attend the  
Q<sup>r</sup> M<sup>r</sup> General till further Orders.

Field Officer for to Morrow Col<sup>o</sup> Miles.  
d<sup>o</sup> to Visit the Posts at South Amboy—

Head Q<sup>rs</sup> Perth Amboy July 30<sup>th</sup> 1776

Parole—Alexandria—Countersign

The Commanding Officer of Each Regiment to Send in an Exact List of all their Officers down to the Noncommissioned Officers with their Respective Ranks to the deputy Adjutant General tomorrow morning at 10 oClock. The Generall Desires and Orders a full and Compleat return of Each Reg<sup>t</sup> to be made by the Col<sup>o</sup> or Commanding Officer to the Deputy Adjutant General Every Saturday morning between the Hours of 10 and 11 oClock at his office in Order that Copies may be transmitted Regularly Every Week to the Congress and Commander in Chief. No return will be received that is not Signed by the Col<sup>o</sup> or Commanding Officer of the Regiments or Corps Specified by the Return and it is Expected that the Commanding Officers of Regiments will not Receive any Returns from their Adjutants unless he at the Same time presents him with a Particular return of each Company of the Regiment Signed by their Respective Captains. Gasper Sizler, John Pendleton and Adam Hoffman of Cap<sup>t</sup> Millars Company and Col<sup>o</sup> M<sup>o</sup> Keans Battalion Penns<sup>a</sup> Militia are to be employed as armourers and of Course Excused from all Duty until further Orders their Rations to be drawn by the director of the Armoury. The Col<sup>o</sup> or Commanding Officer of Each Regiment to be answerable to the Generall for any Neglect of Orders.

It has been repeatedly in Orders that no Officer or Soldier off Duty is to discharge his piece without leave from the Commanding Officer. The General Expresses his Surprise that those Orders are not attended to, it is the Duty of every Officer to See that all Orders are Obeyed. The Commanding Officers of Battalions will for the future be answerable for deficiency in the Ammunition Served out to the Troops under their Command, and it is Directed that Every Soldier who fires of his piece without Orders Shall be immediately Confined and tried by a Court Martial.

Head Quarters 31<sup>st</sup> of July 1776

Parole—Richmond—Countersign

Field Officer for to Morrow Col<sup>o</sup> Bayard.

A General Court Martial to Sit to Morrow morning at 11 oClock in M<sup>r</sup> Hicks long room for the tryal of Jacob Babe and Jo<sup>s</sup> Crimer both of the 4 Battalion Penn<sup>a</sup> Militia for Desertion

President Col<sup>o</sup> M<sup>o</sup> Kean—

Col<sup>o</sup> Brodhead  
Cap<sup>t</sup> Brown } 1 B R  
Long }  
Wade } 2 B M.

Perviance 4 B. M.

Col<sup>o</sup> Clymer  
Lieut Moore  
Finley } 1 B R  
White } 2 B M  
Bright }  
Mattock 5 B. M.

Col<sup>o</sup> Miles, Col<sup>o</sup> Atlee, Col<sup>o</sup> Bayard Col<sup>o</sup> Brodhead Col<sup>o</sup> Clymer, Major Bird and D<sup>r</sup> Shippen are requested to meet at Commissary Dunhams Stores At 11 oClock this Morning to inspect in to the State of



Provisions particularly the Flour and to Condemn Such as they may think unfitt for use.

The Majors of Brigade are to furnish the Col<sup>os</sup> or Commanding Officers of Regiments with a Copy of the Continental Establishments of Rations for the Troops and the Commanding Officers of Regiments or Corps are to have them read at least once a Week to the Soldiers in Order that Such Articles of the Rations as Cannot be procured or Such as the Soldiers do not Choose to draw may be paid for in Money.

General Orders Head Quarters August 1<sup>st</sup> 1776

Parole—Burlington—Countersign Trenton

Such of the Pennsylvania Associators as did not draw their Rations from Philadelphia to Trenton are to make out their Acc<sup>ts</sup> properly Certified by their Officers Agreeable to which they will receive the Money from Col<sup>o</sup> Biddle Dep<sup>y</sup> Q<sup>r</sup> Master General

Field Officer for to Morrow Col<sup>o</sup> Bayard

The General is Very Sorry he is under the Necessity of Reminding the Pennsylvania Associators of the terms on which they Agreed to Serve here Namely to remain on Duty untill a Sufficient number of troops had Joined to form the Flying Camp and While on Duty to Conform to the Regulations of the Continental troops. Such of the Noncommissioned Officers or Soldiers as Shall discover a Contrary disposition will Subject themselves to punishment and if any Shall presume to quit their Posts under pretence of the limited time For their service being Expired they will be treated in every Respect as deserters from the Continental Army. Captain Smiths Company of Colonel Bayards Battalion of Pennsylvania Militia to Cross the river to South Amboy this Evening or tomorrow morning and to put themselves under the direction of Major Prior Commanding Officer of that Post All passes Signed by Col<sup>o</sup> Biddle Dep<sup>y</sup> Q<sup>r</sup> Master General are to be deemed sufficient.

Head Quarters Amboy August the 2<sup>d</sup> 1776.

Parole—Newark. Countersign

Field Officer for to Morrow L<sup>t</sup> Col<sup>o</sup> Brodhead A serjeant and 12 men to mount Guard to morrow for the security of the Craft. The 3 Companies for the flying camp Commanded by Capt. Arnold Capt. Jaynes and Capt. Douglass are to make their Returns to Major Bird Every afternoon at 4 oClock and to do duty as part of that Corps till further Orders.

S. GRIFFIN D. A. G.

Head Quarters Amboy August the 3<sup>d</sup> 1776

Parole—Lancaster—Countersign—Reading.

Field Officer for to Morrow Lieut. Col<sup>o</sup> Perry.

The Colonel or Commanding Officer of Each Reg<sup>t</sup> is requested to fix upon some place Convenient to build a Oven for the use of his Regi<sup>t</sup> any Assistance he may want will be Offered him by the Quarter Master Gen.

eral this Order to be Complied with as soon as possible. M<sup>r</sup> Lodwick undertakes to Carry on the Baking Buisiness for the advantage of the Army he is to have what Assistance he thinks Necessary of Bakers and Labourers from the different Regi<sup>ts</sup> A party for fatigue to be ready on monday morning of one Hundred men properly Offered.

Head Quarters Amboy 4<sup>th</sup> of August 1776

Parole—Bergen—Countersign—Princetown

Field officer for to-morrow Lieu<sup>t</sup> Col<sup>o</sup> Dean

The General beholds with Astonishment the sloth and inactivity of some of the Adjutants in parading their men on the morning parade by which means they keep those Officers that are punctual in their duty one or two hours in the hot Sun, he once more desires and orders each Adjutant with his proportion of men to be on the parade precisely at 9 o'clock every morning on pain of incurring the Generals displeasure. At a Court Martial of which Colonel Bayard was President for the trial of Jacob Bebe, Joseph Criner, Fedrick Pobst, George Hoffner, and Philip Freese for desertion the Prisoners were found Guilty and Condemned to remain in the main Guard three days on Bread and Water and then to be reprimanded by the Colonels at the head of their Respective Reg<sup>ts</sup>.

The General Approves of the Sentence but to Convince the Soldiers that he means to punish them as seldom as possible without Absolute Necessity he thinks proper to remit the first part of the Sentence and Orders the latter part to take place this afternoon at 6 oClock. The Colonels taking Care to Send proper Officers for the Prisoners.

A General Court Martial to sit to-morrow morning in Hicks's long room at 9 oClock.

COL. M<sup>c</sup> KEAN, *President*.

Head Quarters Amboy August the 5<sup>th</sup> 1776

Parole—Hancock—Countersign

Field Officer for to-Morrow Major Williams

As the Regiments are not yet furnished with Ovens the Commissary will Supply a pound of flour or a pound of good Biscuit for a few days in Lieu of a Ration of bread until the Ovens are built. In the meantime the Soft bread supplied to be equally distributed this Order to punctually Communicated to the respective Corps. Whereas the Reverend of new York and Philadelphia have appointed thursday Next to be Observed as a day of Humiliation fasting and praying to Almighty God on acc<sup>t</sup> of the Oppression and distress of the good people of America—

The General requests and desires that all Officers and Soldiers under their Command (except those on duty) of that persuasion may pay Attention to the Said Appointment. The Captain of the main Guard to take Care that the Guard house is swept every morning before he is relieved.

Head Quarters Amboy August the 6<sup>th</sup> 1776

Parole—Bristol—Countersign—

Field Officer for to Morrow Major Bird

The General thinks it Necessary to inform the Pennsylvania Associators that there are a Great Number of Troops for the flying Camp now on their way to this place and as soon as a sufficient number to form the said camp Shall arrive the Associators shall immediately be dismissed and it is hoped no Associator will be so lost to all sense of honour and love for his Country as to think of returning home untill those Troops shall arrive.

Head Quarters August the 7<sup>th</sup> 1776

Parole—Kingsbridge—Countersign

Field Officer for to Morrow Major Pobst. the long Rolls to beat immediately after the Ravalie every morning when the Troops are to turn out to Exercise and the fatigue parties go to Work.

M<sup>r</sup> Carpenter Waston is Appointed the Commissary General to Issue provision to the Troops. he will furnish the Army so as to give no Cause of Complaint that this buisness may be Carried on with the Necessary Regularity, it is again Ordered that the Q<sup>r</sup> Master with the Q<sup>r</sup> Master Sergeant and Camp Colour men by returns Signed by Commanding Officers of his Corps is to draw the provisions and that no other Officer or Soldier is to Interfair so as to interrupt the Commissary in the Executing of his Office. It is recommended to the Commanding Officers of Regiments to draw Rations of flower and to Contract with bakers to have it baked up by the men of their own Rations M<sup>r</sup> Ludowick from a desire to Serve the Army has Off<sup>d</sup> his Service and will undertake to bake for any Corps that may Choose to employ him.

for which purpose a Sufficient number of ovens will be filled up by saturday next. no commissioned officer or Soldier is to go one mile from Camp or Quarters without leave of Absence in writing from the Adjutant General.

Head Quarters Point pleasant August the 8<sup>th</sup> 1776

Parole— Countersign—

Field officer for to Morrow Major Britton

All the different Battalions are to be paraded at 5 oClock this Afternoon on their respective parades where the Commanding Officers of Each are to Attend and See that the mens arms and Accoutrements are in good Order and that Each man has his proper Quantity of Ammunition Any deficiencies to be immediately Supplied.

General Orders August the 9<sup>th</sup> 1776—

Parole Malbourough—Countersign Chatham.

Field officer for tomorrow Major Herbert.

Colonel Miles's Regiment of Pensy<sup>a</sup> Riflemen to march to New York as

soon as the Can be got Ready All the Pensy<sup>n</sup> Associators to be paraded in the front of the Encampment of the City Militia precisely at 5 oClock this Evening.

Orders for Lord Sterlings Brigade August the 13, 1776.

The Adjutants of Each Battalion are to Extract from the Orderly books of the Army as such Orders [such orders as] Ought to be regarded and observed as standing Orders and to Cause them to be dispersed to all the Officers ; but as this cannot be done immediately the Colonels will assemble All the Officers for some hours a day and Cause such parts of the Orders as are before mentioned to be Read Alloud to them. The Adjutants are to attend at the Brigade Majors Office every day at 12 o'Clock for Orders.

Each Col<sup>o</sup> is to Send into the Same Office on thursday Morning a Return of the dates and ranks of the Commissions of all the Officers also a return of all their Arms Accoutrements and Ammunition, also an Acc<sup>t</sup> of time Each Corps has been paid. A Guard of 1 Serg<sup>t</sup> 1 Cor<sup>t</sup> and 12 Men from Colonell Glovers Reg<sup>t</sup> to relieve the Guard now at Lord Sterlings Quarters at 8 oClock to morrow morning and to mount a like Guard there at the same place Every Day until further Orders. The Rifle men of Col<sup>o</sup> Smallwood's and one half of Col<sup>o</sup> Miles's Corps are to go to Proper Ground tomorrow Morning by 6 oClock in Order to try and fix the sights of their Pieces the other half of the latter to do the like next Day. The Musketry of the whole Brigade to fire 3 Rounds of loose Powder and Ball at mark on thursday Morning 6 oClock. The Q<sup>r</sup> Masters are to apply to the Adjutant General for an Order of loose Powder and Ball Sufficient for 3 Rounds of their Musketry And to attend at the Laboratory for it.

Major General Sullivans Orders August the 13<sup>th</sup> 1776.

Five Hundred men to parade tomorrow morning at 7 oClock for fatigue. Those of Lord Sterlings Brigade to parade On their Brigade parades, those of General M<sup>r</sup> Dougalls on theirs, Brigade Majors will meet today and fix the Detail. The Col<sup>os</sup> of the Corps de reserve to see that their men have their Arms in Good Order and that Each man is provided with 24 Rounds of Ammunition and their Reg<sup>ts</sup> are furnished with as much more as will make up 60 Rounds p man And that ammunition Waggon are kept with their Regiments in Order to transport the Ammunition to such places as the Reg<sup>ts</sup> may be Called to. An Orderly Sergeant from Each Brigade to Attend at the General Quarters from day to day. Brigade Major Levinston will send a Copy of the Orders from head Quarters to General Sullivans tomorrow as also the Parole and Countersign Brigade Major Platt the Next Day and so on in rotation and Send the Adjutants of the day to receive Orders Issued by the Commander in Chief. The Orders will be Expected Each Day precisely at 1 oClock An Adjutant is to Attend at the Generals Q<sup>rs</sup> Every Day.

Major Gen<sup>l</sup> Sullivans Orders August 14<sup>th</sup> 1776

800 men to be on fatigue tomorrow and to be on the Works by 9 oClock and work till 12 and in the Afternoon to begin at 2 and work till 7. As so much will depend upon having the work (now on hand) Compleated the Gen<sup>l</sup> flatters Himself that Officers and men who have allready sacrificed so much of their own Ease in defence of their Country will Chearfully Assist in fortyfying those Posts which must insure to us a compleat Victory and be the Means of Saving the Liberty of Our Country.

Brigade Orders 15<sup>th</sup> August 1776

The Adj<sup>t</sup> of the Day in Gen<sup>l</sup> M<sup>c</sup> Dougalls Brigade is to take his turn (Every other day) with the Adj<sup>t</sup> of the day in Lord Sterlings Brigade to wait on Major Gen<sup>l</sup> Sullivan with the Gen<sup>l</sup> Orders Also to take Major Gen<sup>l</sup> Sullivans Orders and bring to Lord Sterlings Q<sup>rs</sup> He is also to furnish Gen<sup>l</sup> Sullivan with the Countersign Every other day. The Weekly returns of Each Reg<sup>t</sup> in Lord Sterlings Brigade to be brought to the Brigade Major's Office Every friday Evening at 6 oClock. . . . .

The Q<sup>r</sup> M<sup>r</sup> of Each Reg<sup>t</sup> is immediately to Apply for the proper proportion of Rum for the fatigue parties and to See distributed to the men on fatigue by 5 oClock this Afternoon.

Lord Sterlings Brigade Orders August 16<sup>th</sup> 1776

A Main Guard of the Brigade consisting of 1 Cap. 2 Subs. 2 Serg<sup>ts</sup> 2 Corp<sup>ls</sup> 1 drum and 50 Privates are to mount Every day at 8 oClock in the field on the North Side of Col<sup>o</sup> Attlees Reg<sup>t</sup> Each Corps is at the same time to mount a Guard of 1 Sub. 1 Serg<sup>t</sup> 1 Corp<sup>l</sup> 1 Drum and 24 Privates and at 6 oClock in the even<sup>g</sup> a Picquet Guard of 1 Cap. 2 Subs. 2 Serg<sup>ts</sup> 2 Corp<sup>ls</sup> 1 Drum and fifty men on the Regimental parade of each Reg<sup>t</sup> who are to lay on their Arms on their tents and to be ready to turn out at a Moments Warning The whole are to have their Arms and Ammunition in Compleat Order and to be ready to turn out at a moments warning. The whole are to have their Arms and Ammunition in Compleat Order and to be ready to turn out and form on the Shortest notice and at daylight Every morning each Reg<sup>t</sup> is to be under Arms on its own parade unless prevented by bad weather in which Case they are to remain in their Tents and take Especial Care to keep their Arms dry and in good Order. A Field Officer is at Night To Visit all the Guards of the Brigade. The Q<sup>r</sup> Guards of Each is to Supply Centinels to the works Nearest to them in Order to prevent any dammage being done to them and to protect the Tools and Arms which may be lodged in them. As Cleanliness must at all times greatly Contribute to the Health of the Troops but more Especially at this warm Season of the Year The Officers are requested in every instance to encourage the Practice of it among the men and in order the better to keep the Air of the Camp sweet and wholesome the following Regu<sup>ns</sup> are to be observed.

. . . . .

. . . . The Commanding Officers of the Reg<sup>ts</sup> are enjoined to See these Regulations Strictly Observed and immediately to Cause any Neglect or disobedience to these Orders to be punished by a Regimental Court Martial. They are also enjoined to use their best endeavours to encourage every Species of Cleanliness in the Officers and Soldiers in their Respective Corps and to recommend it to them all to avoid eating green unripe fruit of any kind as it [is] undoubtedly one of the Causes of the disorders now most prevalent in Camp.

Brigade After Orders [August 19].

Cap. Steels Company of Volunteers at present encamped with Col<sup>o</sup> Lutz's Corps is Ordered to Join Major Hays Battalion. As the Adj<sup>ts</sup> of the Reg<sup>ts</sup> must Necessarily be employed The Col<sup>os</sup> or Commanding Officers of Each Corps will send a good Clerk to the Brigade Majors Office by 6 oClock every morning in Order to Copy off the Gen<sup>l</sup> and Brigade Orders for a Month past. These Clerks are to Continue on that duty untill noon wick Orders are to be read to the Officer in the Afternoon. Notwithstanding this Order the Adj<sup>ts</sup> of Each Corps are to Attend for Orders of the Day as usual.

Lord Sterlings Brigade Orders August the 22

The Commanding Officer of every Reg<sup>t</sup> will immediately cause the Ammunition to be examined and if any of it be damaged it is to be separated from the rest on [an] Acc<sup>t</sup> of it to be taken and ready to be exchanged with the Commissary of military Stores for what is good the arms are to be in as good order as possible ; the Reg<sup>ts</sup> are all to be under Arms on the Grand parade it the Order communicated to the Col<sup>o</sup> precisely at 10 oClock this Morning where they will Receive farther orders.

2. *Notes of Major William Pierce on the Federal Convention of 1787.*

New materials relating to the Convention of 1787 will always, it may be presumed, be interesting to the readers of this REVIEW. The materials which follow are derived from the papers of Major William Pierce, a member from Georgia. Mr. C. E. Jackson, of Middletown, Conn., a grandson of Pierce's widow by her second marriage, kindly offered to the REVIEW a manuscript containing the pieces numbered II., III. and IV. in the following series. A passage in Madison's *Writings*, to which the attention of the managing editor was called by Professor Edward G. Bourne, seemed to refer to these notes. Mr. J. K. Tefft, of Savannah, the noted collector of autographs, wrote to Madison in 1830, asking for his autograph and those of other distinguished Americans (*Calendar of the Correspondence of James Madison*, State Department, p. 670). Complying with his request, Madison in his answer asks Mr. Tefft to send him



certain numbers of the *Savannah Georgian* (id., 113). "In the year 1828," says the extract from this letter given in Madison's *Writings*, "I received from J. V. Bevan<sup>1</sup> sundry numbers of the *Savannah Georgian*, containing continuations of the notes of Major Pierce on the Federal Convention of 1787" (*Writings*, IV. 139). The year 1828 is missing from the file of the *Savannah Georgian* preserved in the Library of Congress, and also from that possessed by the University of Georgia, but in the library of the Georgia Historical Society at Savannah there is a complete file, which William Harden, Esq., librarian of the society, has kindly searched for us. It appears that Major Pierce's notes (II. and IV. below) were printed in the *Savannah Georgian* for April 19, 21, 22, 23, 24, 25, 26 and 28, 1828. But no apology is presented for reprinting them, for it will be seen that they are practically inaccessible. Madison's phrase, however, seemed to indicate the existence of an earlier account of the Convention by Major Pierce. After some search, this was located, by means of a statement in the late Col. C. C. Jones's *Biographical Sketches of the Delegates from Georgia to the Continental Congress*, p. 156. On September 28, 1787, Pierce wrote from New York to St. George Tucker, of Virginia, a letter, in which he gave his general impressions of the work of the convention. The relevant portions of this were printed in the *Georgia Gazette*, of March 20, 1788. By the kindness of Mr. Harden, a copy of this matter is presented herewith, as No. 1. in the ensuing series. The same remark may be made as to previous printing which was made in the case of the other parts; for, so far as the managing editor has discovered, no other file of the *Gazette* for 1788 is preserved in any public repository, and the matter is therefore practically inedited.

William Pierce was born, in Virginia according to family tradition, in Georgia according to certain sources used by Col. Jones, about 1740. His name, uniformly given simply as William in contemporary sources, is given as William Leigh by his son, in a footnote to p. 113 of his poem *The Year* (New York, 1813). He engaged in the Revolutionary War as of Virginia. November 30, 1776, he was commissioned a captain in the First Continental Artillery (Heitman, p. 329). He became an aide to Gen. Greene, with whom he was ever after on terms of friendly intimacy. After the battle of Eutaw Springs he bore the general's despatches, with the news of the victory, to Congress at Philadelphia. Congress (October 29, 1781) resolved "that a sword be presented to Captain Pierce." This sword, suitably inscribed, is now possessed by the descendants of Mrs. Pierce. At the close of the war Pierce left the

<sup>1</sup> Joseph V. Bevan was one of the proprietors of the *Georgian*.

army with the rank of major, and went into business in Savannah, as the head of the house of William Pierce and Company (Jones, 155; MS. letter of Gen. Greene). About the same time (id.) he was married to Miss Charlotte Fenwick. A letter of February 10, 1786, in Mr. Jackson's MS. volume, shows him at Augusta, attending the session of the general assembly of Georgia, of which he was a member from Chatham county (Jones). In that same year he was elected to the Continental Congress for the term extending from the first Monday of November, 1786, to the corresponding day of 1787 (*Jour. Cong.*, IV. 719). Sailing in December (*Correspondence of Samuel B. Webb*, III. 70), he took his seat on January 17th, 1787, and attended the sessions faithfully till May 24 (*Journals*, IV. 719-749; Webb, III. 77). Meanwhile the Georgia legislature had on February 10 elected him a member of the proposed Federal Convention, and on April 17 he had been commissioned as a delegate (*Documentary History of the Constitution*, State Department, I. 43, 46). He took his seat on May 31, six days after the opening (*Doc. Hist.*, I. 56; *Madison Papers*, 753). He is recorded as speaking but three times. On June 6 he spoke in advocacy of the election of the first branch of the federal legislature by the people, of the second branch by the states (Madison, 807, and *post*). On June 12 he spoke against a seven-years' term for the second branch, preferring a term of three years (Madison, 851; Yates in Elliot, 1836, I. 408). On June 29 he spoke in behalf of the strengthening of the general government, as over against the state governments (Yates, in Elliot, I. 464). Shortly after this he left the Convention, and attended its sessions no further. From July 4 to August 1 he attended Congress (*Journals*, IV. 750-765). A letter of Hamilton (*Works*, I. 437) shows the latter adjusting a difficulty and preventing a duel between Pierce and a Mr. Auldjo, and another, New York, July 26, 1787 (id., 439), says: "He informs me that he is shortly to set out on a jaunt up the North River." The reasons for his absenting himself do not appear. From August 27 to October 1 he was again in attendance upon Congress at New York (*Journals*, IV. 773-783; memoranda in MS. volume). On October 3 he sailed from New York with his family, and arrived at Savannah on October 10. "I brought with me a dispatch from Congress, containing the proceedings of the federal convention with their resolution, to Governor Mathews of this State" (ibid.). On the 26th the legislature of Georgia provided for the state convention, which on January 2, 1788, ratified the Constitution (*Doc. Hist.*, II. 83). On July 4, 1788, he delivered an oration at Savannah before the Georgia Cincinnati, which was printed there that same year, and in

which he expresses his satisfaction with the work of the Philadelphia Convention. Two copies of this pamphlet, one of them General Washington's presentation copy, are in the library of the Boston Athenæum. Before the year was over Major Pierce had failed in business (Jones), and in December he wrote to Madison expressing a desire to be appointed collector of the port of Savannah (*Calendar*, p. 573); but he was not appointed to any federal office. On July 4, 1789, he seems to have delivered another oration before the Georgia Cincinnati, which was printed; and he was elected their vice-president. He died December 10 of that year (Jones, p. 157). A son, William, born before 1786 (MS. volume), probably died in infancy. A posthumous son, William Leigh, born June 30, 1790, wrote the volume of verse already mentioned, *The Year*, a Federalist review of the events of the year 1812, in the style of *Marmion*. Its notes give an exceptionally full account of the famous Baltimore mob of that year. At the time of its publication the younger Pierce was living in Canandaigua, New York, and he is said to have died in that neighborhood in 1815.

Major Pierce was a man of good education and considerable intelligence, and of sufficient penetration to give value to his estimates of his associates in the Convention. It will be seen that the absence of his signature to the Constitution is not due, as has sometimes been said, to disapproval of that instrument. It is perhaps unfortunate that he was not longer present in the Convention, though it must be said that his notes of its debates add little to the information we have already derived from Madison, Yates and King.

Of the four following pieces, the first is derived from the *Georgia Gazette* of Thursday, March 20, 1788. The other three are from the MS. volume already mentioned, a small book, 6½ by 4 inches, which at some time subsequent to the writing has been bound in a red morocco binding, lettered "Pierce's Reliques." A memorandum pasted within shows the book to have been borrowed by Washington Irving, who derived from it his version (*Life of Washington*; IV. 495, 496) of the anecdote here printed as No. III.

I.

VIRGINIA.—*Extract of a letter from the Hon. William Pierce, Esq., to St. George Tucker, Esq., dated New York, Sept. 28, 1787.*

You ask me for such information as I can, with propriety, give you, respecting the proceedings of the Convention: In my letter from Philadelphia, in July last, I informed you that everything was covered with the veil of secrecy. It is now taken off, and the great work is presented to the public for their consideration. I enclose you a copy of it, with the letter which accompanies the Constitution.

You will probably be surprised at not finding my name affixed to it ; and will, no doubt, be desirous of having a reason for it. Know then, Sir, that I was absent in New York on a piece of business so necessary that it became unavoidable. I approve of its principles, and would have signed it with all my heart, had I been present. To say, however, that I consider it as perfect, would be to make an acknowledgment immediately opposed to my judgment. Perhaps it is the only one that will suit our present situation. The wisdom of the Convention was equal to something greater ; but a variety of local circumstances, the inequality of states, and the dissonant interests of the different parts of the Union, made it impossible to give it any other shape or form.

The great object of this new government is to consolidate the Union, and to give us the appearance and power of a nation. The inconvenience of the different states meeting on the footing of compleat equality, and as so many sovereign powers confederated, has been severely felt by the Union at large ; and it is to remedy this evil that something like a national institution has become necessary. The condition of America demands a change ; we must sooner or later be convulsed if we do not have some other government than the one under which we at present live. The old Federal Constitution is like a ship bearing under the weight of a tempest ; it is trembling, and just on the point of sinking. If we have not another bark to take us up we shall all go down together. There are periods in the existence of a political society that require prompt and decisive measures ; I mean that point of time between a people's running into anarchy and an anxious state of the public mind to be rescued from its approaching mischiefs by the intervention of some good and efficient government. That is precisely the situation in which we seemed to be placed. A question then arises, shall we have this government, or shall we run into confusion ? It is with the people to decide the alternative.

I am well aware that objections will be made to this new government when examined in the different states ; some will oppose it from pride, some from self-interest, some from ignorance, but the greater number will be of that class who will oppose it from a dread of its swallowing up the individuality of the states. Local circumstances will weigh against the general interest, and no respect will be paid to all the parts aggregated which compose the Confederacy. Good as well as bad men will probably unite their interest to oppose it, and some small convulsions may possibly happen in some of the states before it is adopted, but I am certain it is the ark that is to save us. I therefore hope and trust it will be accepted. It is a difficult point to concentrate thirteen different interests so as to give general and compleat satisfaction. But as individuals in society (to use an old hackneyed and well known principle) give up a part of their national rights to secure the rest, so the different states should render a portion of their interests to secure the good of the whole. Was this question proposed to each of the states separately, "What kind of government is best calculated for the people of the United States ?" there would

be as many different opinions as there are different interests. It would be like the decisions of the seven wise men of Greece, who were called on, at the Court of Periander, to give their sentiments on the nature of a perfect commonwealth—they all judged differently, but they all judged right, in the view each man had of it.

Many objections have been already started to the Constitution because it was not founded on a Bill of Rights; but I ask how such a thing could have been effected; I believe it would have been difficult in the extreme to have brought the different states to agree in what probably would have been proposed as the very first principle, and that is, “that all men are born equally free and independent.” Would a Virginian have accepted it in this form? Would he not have modified some of the expressions in such a manner as to have injured *the strong sense of them*, if not to have buried them altogether in *ambiguity and uncertainty*.

In my judgment, when there are restraints on power, to prevent its invading the positive rights of a people, there is no necessity for any such thing as a Bill of Rights. I conceive civil liberty is sufficiently guarded when personal security, personal liberty, and private property, are made the peculiar care of government. Now the defined powers of each department of the government, and the restraints that naturally follow, will be sufficient to prevent the invasion of either of those rights. Where then can be the necessity for a Bill of Rights? It is with diffidence I start this question; I confess I cannot help doubting the negative quality which it conveys, as some of the greatest men I ever knew have objected to the government for no other reason but because it was not *bottomed*<sup>1</sup> with a Bill of Rights; men whose experience and wisdom are sufficient to give authority and support to almost any opinion they may choose to advance.

I set this down as a truth founded in nature, that a nation habituated to freedom will never remain quiet under an invasion of its liberties. The English history presents us with a proof of this. At the Conquest that nation lost their freedom, but they never were easy or quiet until the true balance between liberty and prerogative was established in the reign of Charles the second. The absolute rights of Englishmen are founded in nature and reason, and are coeval with the English Constitution itself. They were always understood and insisted on by them as well without as with a Bill of Rights. This same spirit was breathed into the Americans, and they still retain it, nor will they, I flatter myself, ever resign it to any power, however plausible it may seem. The Bill of Rights was not introduced into England until the Revolution of 1688, (upwards of 600 years after the Conquest) when the Lords and Commons presented it to the Prince and Princess of Orange. And afterwards the same rights were asserted in the Act of Settlement at the commencement of the present century, when the crown was limited to the House of Hanover. It was deemed necessary to introduce such an instrument to satisfy the public mind in England, not as a bottom to the Constitution, but as a prop to it; and hereafter, if the same necessity should exist in America, it may be

<sup>1</sup> So the newspaper; perhaps Pierce wrote “bottomed on.”

done by an act of the Legislature here, so that the Constitution not being founded on a Bill of Rights I conceive will not deprive it at any future time of being propt by one, should it become necessary.

A defect is found by some people in this new Constitution, because it has not provided, except in criminal cases, for Trial by Jury. I ask if the trial by jury in civil cases is really and substantially of any security to the liberties of a people. In my idea the opinion of its utility is founded more in prejudice than in reason. I cannot but think that an able Judge is better qualified to decide between man and man than any twelve men possibly can be. The trial by jury appears to me to have been introduced originally to soften some of the rigors of the feudal system, as in all the countries where that strange policy prevailed, they had, according to Blackstone, "a tribunal composed of twelve good men, true *boni homines*, usually the vassals or tenants of the Lord, being the equals or peers of the parties litigant." This style of trial was evidently meant to give the tenants a check upon the enormous power and influence of their respective Lords; and, considered in that point of view, it may be said to be a wise scheme of juridical polity; but applied to us in America, where every man stands upon a footing of independence, and where there is not, and I trust never will be, such an odious inequality between Lord and tenant as marked the times of a Regner or an Egbert, is useless, and I think altogether unnecessary; and, if I was not in the habit of respecting some of the *prejudices* of very sensible men, I should declare it ridiculous. An Englishman to be sure will talk of it in raptures; it is a virtue in him to do so, because it is insisted on in Magna Charta (that favorite instrument of English liberty) as the great bulwark of the nation's happiness. But we in America never were in a situation to feel the same benefits from it that the English nation have. We never had anything like the Norman trial by battle, nor great Lords presiding at the heads of numerous tribes of tenants whose influence and power we wished to set bounds to.

As to trial by jury in criminal cases, it is right, it is just, perhaps it is indispensable,—the life of a citizen ought not to depend on the fiat of a single person. Prejudice, resentment, and partiality, are among the weaknesses of human nature, and are apt to pervert the judgment of the greatest and best of men. The solemnity of the trial by jury is suited to the nature of criminal cases, because, before a man is brought to answer the indictment, the fact or truth of every accusation is inquired into by the Grand Jury, composed of his fellow citizens, and the same truth or fact afterwards (should the Grand Jury find the accusation well founded) is to be confirmed by the unanimous suffrage of twelve good men, "superior to all suspicion." I do not think there can be a greater guard to the liberties of a people than such a mode of trial on the affairs of life and death. But here let it rest.

The most solid objection I think that can be made to any part of the new government is the power which is given to the Executive Department; it appears rather too highly mounted to preserve exactly the equilibrium. The authority which the President holds is as great as that possessed by the King of England. Fleets and armies must support him



in it. I confess however that I am at a loss to know whether any government can have sufficient energy to effect its own ends without the aid of a military power. Some of the greatest men differ in opinion about this point. I will not pretend to decide it.

It requires very little wisdom or forethought to see into the consequences of the government when put compleatly in motion. You will observe that one branch of the Legislature is to come from the People, the other from the several State Legislatures; one is to sympathize with the people at large, the other with the sovereignty of the states, but the suffrages of the two are unequal; the House of Commons will have sixty-five votes, while the Senate has only twenty-six. Some of the states will have eight and ten Members in the Lower House, some only two or three, but all will have an equal number in the Senate. The Judicial Power is to extend "to controversies between two or more states, between a state and citizens of another state, between citizens of different states, and between a state and the citizens thereof, and foreign states, citizens, or subjects." And the President is to be Commander in Chief of the Fleets and Armies of the United States, and the Militia of the states when called into the service of the Union. All this taken collectively forms such a power independent of the states as must eventually draw from them all their remaining sovereignty. Whether such a thing is desirable or not let every man appeal to his own judgment to determine. It is clearly my opinion that we had better be consolidated than to remain any longer a confederated republic.

I would say something about the Article of Commerce, but it involves in it so much inquiry and calculation that I will reserve it for another letter. I know the most popular opposition in Virginia will be founded on this head, but I think it can be proven beyond a doubt that a uniform regulation of its principles will secure lasting and equal advantages to every part of the empire. If this right had at first been lodged in the hands of Congress we should not at this day be in the condition we are.

## II. LOOSE SKETCHES AND NOTES TAKEN IN THE CONVENTION.

MAY, 1787.

On the 30th May Gov<sup>r</sup> Randolph brought forward the principles of a federal Government.<sup>1</sup> The idea suggested was, a national Government to consist of three branches. Agreed.<sup>2</sup> The Legislature to consist of two branches.

Resolved that the first branch of the Legislature ought to be elected by the People of the several States.<sup>3</sup>

<sup>1</sup> Governor Randolph brought forward the principles suggested by the Virginia delegation, on May 29; *Documentary History*, I. 55, *Madison Papers* (Gilpin) 728-735; Yates, in Elliot, 1836, I. 390, 391. Major Pierce took his seat on May 31; *Doc. Hist.*, I. 56.

<sup>2</sup> May 30. *Doc. Hist.*, I. 200; *Madison Papers*, 749; Yates in Elliot, I. 392.

<sup>3</sup> May 31. *Doc. Hist.*, I. 201, 202; Elliot, I. 392, 393. The debate which here follows is reported in the *Madison Papers*, 753-759, in which however the remarks of Strong, the first and second speeches of King, the third and fourth of Butler, and the final remarks of Mason, are omitted. The final remarks of Sherman are here given at greater length.



A debate arose on this point.

Mr. Sherman thought the State Legislatures were better qualified to elect the Members than the people were.

Mr. Gerry was of the same opinion.

Mr. Mason was of the opinion that the appointment of the Legislature coming from the people would make the representation actual, but if it came from the State Legislatures it will be only virtual.

Mr. Wilson thought that one branch of the Legislature ought to be drawn from the people, because on the great foundation of the people all Government ought to rest. He would wish to see the new Constitution established on a broad basis, and rise like a pyramid to a respectable point.

Mr. Maddison was of the opinion that the appointment of the Members to the first branch of the national Legislature ought to be made by the people for two reasons,—one was that it would inspire confidence, and the other that it would induce the Government to sympathize with the people.

Mr. Gerry was of opinion that the representation would not be equally good if the people chose them, as if the appointment was made by the State Legislatures. He also touched on the principles of liberal support, and reprobated that idea of œconomy in the different States that has been so injuriously practised.

Mr. Strong would agree to the principle, provided it would undergo a certain modification, but pointed out nothing.

Mr. Butler was opposed to the appointment by the people, because the State Legislatures he thought better calculated to make choice of such Members as would best answer the purpose.

Mr. Spaight thought it necessary previous to the decision on this point that the mode of appointing the Senate should be pointed out. He therefore moved that the second branch of the Legislature should be appointed by the State Legislatures.

Mr. King observed that the Question called for was premature, and out of order,—that unless we go on regularly from one principle to the other we shall draw out our proceedings to an endless length.

Mr. Butler called on Gov. Randolph to point out the number of Men necessary for the Senate, for on a knowledge of that will depend his opinion of the style and manner of appointing the first branch.

Mr. Randolph said he could not then point out the exact number of Members for the Senate, but he would observe that they ought to be less than the House of Commons. He was for offering such a check as to keep up the balance, and to restrain, if possible, the fury of democracy. He thought it would be impossible for the State Legislatures to appoint the Senators, because it would not produce the check intended. The first branch of the federal Legislature should have the appointment of the Senators, and then the check would be complete.

Butler said that until the number of the Senate could be known it would be impossible for him to give a vote on it.

Mr Wilson was of opinion that the appointment of the 2<sup>d</sup> branch ought to be made by the people provided the mode of election is as he would have it, and that is to divide the union into districts from which the Senators should be chosen. He hopes that a federal Government may be established that will insure freedom and yet be vigorous.

Mr Maddison thinks the mode pointed out in the original propositions the best.

Mr Butler moved to have the proposition relating to the first branch postponed, in order to take up another,—which was that the second branch of the Legislature consist of blank.

Mr King objected to the postponement for the reasons which he had offered before.

Mr Sherman was of opinion that if the Senate was to be appointed by the first branch and out of that Body that it would make them too dependent, and thereby destroy the end for which the Senate ought to be appointed.

Mr Mason was of opinion that it would be highly improper to draw the Senate out of the first branch ; that it would occasion vacancies which would cost much time, trouble, and expence to have filled up,—besides which it would make the Members too dependent on the first branch.

Mr Ch<sup>s</sup> Pinckney said he meant to propose to divide the Continent into four Divisions, out of which a certain number of persons sh<sup>d</sup> be nominated, and out of that nomination to appoint a Senate.

I was myself of opinion that it would be right first to know how the Senate should be appointed, because it would determine many Gentlemen how to vote for the choice of Members for the first branch,—it appeared clear to me that unless we established a Government that should carry at least some of its principles into the mass of the people, we might as well depend upon the present confederation. If the influence of the States is not lost in some part of the new Government we never shall have any thing like a national institution. But in my opinion it will be right to shew the sovereignty of the State in one branch of the Legislature, and that should be in the Senate.

On the proposition in the words following—“to legislate in all cases where the different States shall prove incompetent.”<sup>1</sup>

Mr Sherman was of opinion that it would be too indefinitely expressed,—and yet it would be hard to define all the powers by detail. It appeared to him that it would be improper for the national Legislature to negative all the Laws that were connected with the States themselves.

Mr Maddison said it was necessary to adopt some general principles on which we should act,—that we were wandering from one thing to another without seeming to be settled in any one principle.

Mr Wythe observed that it would be right to establish general principles before we go into detail, or very shortly Gentlemen would find

<sup>1</sup> *Doc. Hist.*, I. 202. The debate on this question is presented in the *Madison Papers*, 760–761, but none of the remarks here reported are to be found there, save the second speech of Madison.

themselves in confusion, and would be obliged to have recurrence to the point from whence they sat out.

Mr King was of opinion that the principles ought first to be established before we proceed to the framing of the Act. He apprehends that the principles only go so far as to embrace all the power that is given up by the people to the Legislature, and to the federal Government, but no farther.

Mr Randolph was of opinion that it would be impossible to define the powers and the length to which the federal Legislature ought to extend just at this time.

Mr Wilson observed that it would be impossible to enumerate the powers which the federal Legislature ought to have.

Mr Maddison said he had brought with him a strong prepossession for the defining of the limits and powers of the federal Legislature, but he brought with him some doubts about the practicability of doing it :— at present he was convinced it could not be done.

#### ON THE EXECUTIVE POWER.<sup>1</sup>

Mr Wilson said the great qualities in the several parts of the Executive are vigor and dispatch. Making peace and war are generally determined by Writers on the Laws of Nations to be legislative powers.

Mr Maddison was of opinion that an Executive formed of one Man would answer the purpose when aided by a Council, who should have the right to advise and record their proceedings, but not to control his authority.

Mr Gerry was of opinion that a Council ought to be the medium through which the feelings of the people ought to be communicated to the Executive.

Mr Randolph advanced a variety of arguments opposed to a unity of the Executive, and doubted whether even a Council would be sufficient to check the improper views of an ambitious Man. A unity of the Executive he observed would savor too much of a monarchy.

Mr Wilson said that in his opinion so far from a unity of the Executive tending to progress towards a monarchy it would be the circumstance to prevent it. A plurality in the Executive of Government would probably produce a tyranny as bad as the thirty Tyrants of Athens, or as the Decemvirs of Rome.

A confederated republic joins the happiest kind of Government with the most certain security to liberty.

#### (A CONSIDERATION.)

Every Government has certain moral and physical qualities engrafted in their very nature,—one operates on the sentiments of men, the other on their fears.

<sup>1</sup> June 1. *Doc. Hist.*, I. 203, 204. An ampler report of this debate is given in the *Madison Papers*, 762-764, where however the first remarks of Madison here given and those of Dickinson are omitted; but they are summarized in King's notes, *Life and Correspondence*, I. 588, 589.

M<sup>r</sup> Dickinson was of opinion that the powers of the Executive ought to be defined before we say in whom the power shall vest.

M<sup>r</sup> Bedford<sup>1</sup> said he was for appointing the Executive Officer for three years, and that he should be eligible for nine years only.

M<sup>r</sup> Maddison observed that to prevent a Man from holding an Office longer than he ought, he may for mal-practice be impeached and removed ;—he is not for any ineligibility.

M<sup>r</sup> Charles Pinckney was of opinion<sup>2</sup> that the election of the Executive ought to be by the national Legislature, that then respect will be paid to that character best qualified to fill the Executive department of Government.

M<sup>r</sup> Wilson proposed that the U. States should be divided into districts, each of which should elect a certain number of persons, who should have the appointment of the Executive.

M<sup>r</sup> Gerry observed that if the appointment of the Executive should be made by the national Legislature, it would be done in such a way as to prevent intrigue. If the States are divided into districts, there will be too much inconvenience in nominating the Electors.

M<sup>r</sup> Wm'son<sup>3</sup> observed that if the Electors were to chuse the Executive it would be attended with considerable expence and trouble ; whereas the appointment made by the Legislature would be easy, and in his opinion, the least liable to objection.

On the subject of salary to the Executive D<sup>r</sup> Franklin arose and produced a written Speech.<sup>4</sup> It was, on account of his age, read by M<sup>r</sup> Wilson, in which was advanced an opinion that no salaries should be allowed the public Officers, but that their necessary expences should be defrayed. This would make Men, he said, more desirous of obtaining the Esteem of their Country-men,—than avaricious or eager, in the pursuit of wealth.

M<sup>r</sup> Dickinson moved<sup>5</sup> that the Executive should be removed at the request of a majority of the State Legislatures.

No Government can produce such good consequences as a limited monarchy, especially such as the English Constitution.

The application of the several Legislatures brings with it no force to the national Legislature.

M<sup>r</sup> Maddison said it was far from being his wish that every executive Officer should remain in Office, without being amenable to some Body for his conduct.

<sup>1</sup> The question was now on the duration of the term of the executive. *Doc. Hist.*, I. 204 ; *Madison Papers*, 766, 767, with omission of the remarks of Madison here reported.

<sup>2</sup> June 2. The question was now on the mode of appointing the executive ; *Doc. Hist.*, I. 205. The following debate, except the remarks of Charles Pinckney, is to be found in the *Madison Papers*, 768–770.

<sup>3</sup> Hugh Williamson of North Carolina.

<sup>4</sup> *Doc. Hist.*, I. 206. The text of Dr. Franklin's speech is given in the *Madison Papers*, 771–775.

<sup>5</sup> *Doc. Hist.*, I. 206, 207. Excepting Madison's own remarks, the ensuing debate reported in the *Madison Papers*, 776–778.

Mr. Randolph<sup>1</sup> was for appointing three Persons, from three districts of the Union, to compose the Executive. A single Person may be considered the foetus of a Monarchy.

Mr. Butler was of opinion that a unity of the Executive would be necessary in order to promote dispatch;—that a plurality of Persons would never do. When he was in Holland the States general were obliged to give up their power to a French Man to direct their military operations.

Mr. Wilson<sup>2</sup> said that all the Constitutions of America from New Hampshire to Georgia have their Executive in a single Person. A single Person will produce vigor and activity. Suppose the Executive to be in the hands of a number they will probably be divided in opinion.

It was proposed that the Judicial should be joined with the Executive to revise the Laws.<sup>3</sup>

Mr. King was of opinion that the Judicial ought not to join in the negative of a Law, because the Judges will have the expounding of those Laws when they come before them; and they will no doubt stop the operation of such as shall appear repugnant to the constitution.

Dr. Franklin thinks it would be improper to put it in the power of any Man to negative a Law passed by the Legislature because it would give him the controul of the Legislature; and mentioned the influence of the British King, and the influence which a Governor of Pennsylvania once had in arresting (for the consideration of an encrease of salary) the power out of the hands of the Legislature.

Mr. Maddison was of opinion<sup>4</sup> that no Man would be so daring as to place a veto on a Law that had passed with the assent of the Legislature.

Mr. Butler observed that power was always encreasing on the part of the Executive. When he voted for a single Person to hold the Executive power he did it that Government be expeditiously executed, and not that it should be clogged.

Mr. Bedford was of opinion that no check was necessary on a Legislature composed as the national Legislature would be, with two branches,—an upper and a lower House.

<sup>1</sup> The question was now on the motion that the executive consist of a single person. *Doc. Hist.*, I. 207, 208; *Madison Papers*, 779–782.

<sup>2</sup> June 4.

<sup>3</sup> *Doc. Hist.*, I. 208, 209. The notes which follow relate to the debate on this proposition and on that for a veto by the executive; *Madison Papers*, 784–789, where, however, King's interesting remark about the judiciary holding statutes void does not appear.

<sup>4</sup> It appears that this passage was animadverted upon when these notes were printed in the *Savannah Georgian* in 1828. In Madison's letter to Telfit, cited above, p. 310, speaking of the numbers of that newspaper which he had once received, he says, "They were probably sent on account of a marginal suggestion of inconsistency between language held by me in the Convention with regard to the Executive veto, and the use made of the power by myself, when in the Executive Administration. The inconsistency is done away by the distinction, not adverted to, between an *absolute* veto, to which the language was applied, and the *qualified* veto which was exercised" (*Writings*, IV. 139). The marginal note in the newspaper reads: "This same Mr. Madison did so when President. Eds. Geo."

Mr Mason was of opinion that it would be so dangerous for the Executive in a single Person to negative a Law that the People will not accept of it. He asked if Gentlemen had ever reflected on that awful period of time between the passing and final adoption of this constitution ;—what alarm might possibly take place in the public mind.

Mr Maddison in a very able and ingenious Speech,<sup>1</sup> ran through the whole Scheme of the Government,—pointed out all the beauties and defects of ancient Republics ; compared their situation with ours wherever it appeared to bear any analogy, and proved that the only way to make a Government answer all the end of its institution was to collect the wisdom of its several parts in aid of each other whenever it was necessary. Hence the propriety of incorporating the Judicial with the Executive in the revision of the Laws. He was of opinion that by joining the Judges with the Supreme Executive Magistrate would be strictly proper, and would by no means interfere with that independence so much to be approved and distinguished in the several departments.

Mr Dickinson could not agree with Gentlemen in blending the national Judicial with the Executive, because the one is the expounder, and the other the Executor of the Laws.

Mr Rutledge was of opinion that it would be right to make the adjudications of the State Judges, appealable to the national Judicial.

Mr Maddison was for appointing the Judges by the Senate.

Mr Hamilton suggested the idea of the Executive's appointing or nominating the Judges to the Senate which should have the right of rejecting or approving.

Mr Butler was of opinion<sup>2</sup> that the alteration of the confederation ought not to be confirmed by the different Legislatures because they have sworn to support the Government under which they act, and therefore that Deputies should be chosen by the People for the purpose of ratifying it.

Mr King thought that the Convention would be under the necessity of referring the amendments to the different Legislatures, because one of the Articles of the confederation expressly make it necessary.

As the word perpetual in the Articles of confederation gave occasion for several Members to insist upon the main principles of the confederacy, i e that the several States should meet in the general Council on a footing of compleat equality each claiming the right of sovereignty, Mr

<sup>1</sup> June 6. If Madison's report is right, it would appear that Pierce has here fused two speeches made by Madison on that day, one on the election of the first branch by the legislatures, the other on the association of the judiciary in the revisal of the laws, a question postponed from June 4. *Doc. Hist.*, I. 214; *Madison Papers*, 804–806, 809–811. Dickinson's remarks, which here follow, relate to this latter question; King, I. 592. But those of Rutledge and Madison which succeed were, according to the *Madison Papers*, 792, 793, made on June 5 in the debate on the election of the judiciary. Hamilton's remarks are not given there.

<sup>2</sup> The following remarks were apparently made in the debate of June 5 on the fifteenth Virginia resolution, that relating to ratification. *Doc. Hist.*, I. 212; *Madison Papers*, 797, 798 (Butler's second speech being omitted).

Butler observed that the word perpetual in the confederation meant only the constant existence of our Union, and not the particular words which compose the Articles of the union.

Some general discussions came on.—M<sup>r</sup>. Charles Pinckney said<sup>1</sup> he was for appointing the first branch of the Legislature by the State Legislatures, and that the rule for appointing it ought to be by the contributions made by the different States.

M<sup>r</sup>. Wilson was of opinion that the Judicial, Legislative and Executive departments ought to be commensurate.

M<sup>r</sup>. Cotesworth Pinckney was of opinion that the State Legislatures ought to appoint the 1st branch of the national Legislature ;—that the election cannot be made from the People in South Carolina. If the people choose it will have a tendency to destroy the foundation of the State Governments.

M<sup>r</sup>. Maddison observed that Gentlemen reasoned very clear on most points under discussion, but they drew different conclusions. What is the reason? Because they reason from different principles. The primary objects of civil society are the security of property and public safety.

### III. AN ANECDOTE.

When the Convention first opened at Philadelphia, there were a number of propositions brought forward as great leading principles for the new Government to be established for the United States. A copy of these propositions was given to each Member with an injunction to keep everything a profound secret. One morning, by accident, one of the Members dropt his copy of the propositions, which being luckily picked up by General Mifflin was presented to General Washington, our President, who put it in his pocket. After the debates of the Day were over, and the question for adjournment was called for, the General arose from his seat, and previous to his putting the question addressed the Convention in the following manner,—

Gentlemen

“I am sorry to find that some one Member of this Body, has been so neglectful of the secrets of the Convention as to drop in the State House a copy of their proceedings, which by accident was picked up and delivered to me this Morning. I must entreat Gentlemen to be more careful, least our transactions get into the News Papers, and disturb the public repose by premature speculations. I know not whose Paper it is, but there it is [throwing it down on the table], let him who owns it take it.” At the same time he bowed, picked up his Hat, and quitted the room with a dignity so severe that every Person seemed alarmed ; for my part I was extremely so, for putting my hand in my pocket I missed my copy of the same Paper, but advancing up to the Table my fears soon dissipated ; I found it to be the hand writing of another Person.

<sup>1</sup>June 6. *Doc. Hist.*, I. 213 ; *Madison Papers*, 800. Wilson, *ibid.*, 801, 802 C. C. Pinckney, *ibid.*, 808. The concluding remarks of Madison I do not identify.



When I went to my lodgings at the Indian Queen, I found my copy in a coat pocket which I had pulled off that Morning. It is something remarkable that no Person ever owned the Paper.

IV. CHARACTERS IN THE CONVENTION OF THE STATES HELD AT PHILADELPHIA, MAY 1787.

From New Hampshire.

Jn<sup>o</sup> Langdon Esq<sup>r</sup> and Nich<sup>s</sup> Gilman Esquire.

M<sup>r</sup> Langdon is a Man of considerable fortune, possesses a liberal mind, and a good plain understanding.—about 40 years old.<sup>1</sup>

M<sup>r</sup> Gilman is modest, genteel, and sensible. There is nothing brilliant or striking in his character, but there is something respectable and worthy in the Man.—about 30 years of age.

From Massachusetts.

Rufus King, Nat<sup>l</sup> Gorham, Gerry and Jn<sup>o</sup> Strong<sup>2</sup> Esquires.

M<sup>r</sup> King is a Man much distinguished for his eloquence and great parliamentary talents. He was educated in Massachusetts, and is said to have good classical as well as legal knowledge. He has served for three years in the Congress of the United States with great and deserved applause, and is at this time high in the confidence and approbation of his Country-men. This Gentleman is about thirty three years of age, about five feet ten Inches high, well formed, an handsome face, with a strong expressive Eye, and a sweet high toned voice. In his public speaking there is something peculiarly strong and rich in his expression, clear, and convincing in his arguments, rapid and irresistible at times in his eloquence but he is not always equal. His action is natural, swimming, and graceful, but there is a rudeness of manner sometimes accompanying it. But take him *tout en semble*, he may with propriety be ranked among the Luminaries of the present Age.

M<sup>r</sup> Gorham is a Merchant in Boston, high in reputation, and much in the esteem of his Country-men. He is a Man of very good sense, but not much improved in his education. He is eloquent and easy in public debate, but has nothing fashionable or elegant in his style ;—all he aims at is to convince, and where he fails it never is from his auditory not understanding him, for no Man is more perspicuous and full. He has been President of Congress, and three years a Member of that Body. M<sup>r</sup> Gorham is about 46 years of age, rather lusty, and has an agreeable and pleasing manner.

M<sup>r</sup> Gerry's character is marked for integrity and perseverance. He is a hesitating and laborious speaker ;—possesses a great degree of confidence and goes extensively into all subjects that he speaks on, without respect to elegance or flower of diction. He is connected and sometimes clear in his arguments, conceives well, and cherishes as his first virtue, a love for his Country. M<sup>r</sup> Gerry is very much of a Gentleman

<sup>1</sup> Pierce's statements of age, throughout the paper, are only approximately correct.

<sup>2</sup> Caleb Strong.

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in his principles and manners ;—he has been engaged in the mercantile line and is a Man of property. He is about 37 years of age.

Mr Strong is a Lawyer of some eminence,—he has received a liberal education, and has good connections to recommend him. As a Speaker he is feeble, and without confidence. This Gent<sup>l</sup> is, about thirty five years of age, and greatly in the esteem of his Colleagues.

From Connecticut.

Sam<sup>l</sup> Johnson, Roger Sherman, and W. Elsworth<sup>1</sup> Esquires.

D<sup>r</sup> Johnson is a character much celebrated for his legal knowledge ; he is said to be one of the first classics in America, and certainly possesses a very strong and enlightened understanding.

As an Orator in my opinion, there is nothing in him that warrants the high reputation which he has for public speaking. There is something in the tone of his voice not pleasing to the Ear,—but he is eloquent and clear,—always abounding with information and instruction. He was once employed as an Agent for the State of Connecticut to state her claims to certain landed territory before the British House of Commons ; this Office he discharged with so much dignity, and made such an ingenious display of his powers, that he laid the foundation of a reputation which will probably last much longer than his own life. D<sup>r</sup> Johnson is about sixty years of age, possesses the manners of a Gentleman, and engages the Hearts of Men by the sweetness of his temper, and that affectionate style of address with which he accosts his acquaintance.

Mr Sherman exhibits the oddest shaped character I ever remember to have met with. He is awkward, un-meaning, and unaccountably strange in his manner. But in his train of thinking there is something regular, deep, and comprehensive ; yet the oddity of his address, the vulgarisms that accompany his public speaking, and that strange new England cant which runs through his public as well as his private speaking make everything that is connected with him grotesque and laughable ;—and yet he deserves infinite praise,—no Man has a better Heart or a clearer Head. If he cannot embellish he can furnish thoughts that are wise and useful. He is an able politician, and extremely artful in accomplishing any particular object ;—it is remarked that he seldom fails. I am told he sits on the Bench in Connecticut, and is very correct in the discharge of his Judicial functions. In the early part of his life he was a Shoe-maker ;—but despising the lowness of his condition, he turned Almanack maker, and so progressed upwards to a Judge. He has been several years a Member of Congress, and discharged the duties of his Office with honor and credit to himself, and advantage to the State he represented. He is about 60.

Mr Elsworth is a Judge of the Supreme Court in Connecticut ;—he is a Gentleman of a clear, deep, and copious understanding ; eloquent, and connected in public debate ; and always attentive to his duty. He is very happy in a reply, and choice in selecting such parts of his adver-

<sup>1</sup> *Oliver Ellsworth.*

sary's arguments as he finds make the strongest impressions,—in order to take off the force of them, so as to admit the power of his own. M<sup>r</sup> Elsworth is about 37 years of age, a Man much respected for his integrity, and venerated for his abilities.

From New York.

Alexander Hamilton, Yates, and W. Lansing<sup>1</sup> Esquires.

Col<sup>o</sup> Hamilton is deservedly celebrated for his talents. He is a practitioner of the Law, and reputed to be a finished Scholar. To a clear and strong judgment he unites the ornaments of fancy, and whilst he is able, convincing, and engaging in his eloquence the Heart and Head sympathize in approving him. Yet there is something too feeble in his voice to be equal to the strains of oratory ;—it is my opinion that he is rather a convincing Speaker, than [than] a blazing Orator. Col<sup>o</sup> Hamilton requires time to think,—he enquires into every part of his subject with the searchings of philosophy, and when he comes forward he comes highly charged with interesting matter, there is no skimming over the surface of a subject with him, he must sink to the bottom to see what foundation it rests on.—His language is not always equal, sometimes didactic like Bolingbroke's, at others light and tripping like Stern's. His eloquence is not so defusive as to trifle with the senses, but he rambles just enough to strike and keep up the attention. He is about 33 years old, of small stature, and lean. His manners are tinctured with stiffness, and sometimes with a degree of vanity that is highly disagreeable.

M<sup>r</sup> Yates is said to be an able Judge. He is a Man of great legal abilities, but not distinguished as an Orator. Some of his Enemies say he is an anti-federal Man, but I discovered no such disposition in him. He is about 45 years old, and enjoys a great share of health.

M<sup>r</sup> Lansing is a practicing Attorney at Albany, and Mayor of that Corporation. He has a hisitation in his speech, that will prevent his being an Orator of any eminence ;—his legal knowledge I am told is not extensive, nor his education a good one. He is however a Man of good sense, plain in his manners, and sincere in his friendships. He is about 32 years of age.

From New Jersey.

W<sup>m</sup> Livingston, David Brearly, W<sup>m</sup> Patterson, and Jon<sup>n</sup> Dayton, Esquires.<sup>2</sup>

Governor Livingston is confessedly a Man of the first rate talents, but he appears to me rather to indulge a sportiveness of wit, than a strength of thinking. He is however equal to anything, from the extensiveness of his education and genius. His writings teem with satyr and a neatness of style. But he is no Orator, and seems little acquainted with the guiles of policy. He is about 60 years old, and remarkably healthy.

M<sup>r</sup> Brearly is a man of good, rather than of brilliant parts. He is a Judge of the Supreme Court of New Jersey, and is very much in the es-

<sup>1</sup> John Lansing.

<sup>2</sup> W. C. Houstoun omitted.

teem of the people. As an Orator he has little to boast of, but as a Man he has every virtue to recommend him. M<sup>r</sup> Brearly is about 40 years of age.

M<sup>r</sup> Patterson is one of those kind of Men whose powers break in upon you, and create wonder and astonishment. He is a Man of great modesty, with looks that bespeak talents of no great extent,—but he is a Classic, a Lawyer, and an Orator;— and of a disposition so favorable to his advancement that every one seemed ready to exalt him with their praises. He is very happy in the choice of time and manner of engaging in a debate, and never speaks but when he understands his subject well. This Gentleman is about 34 y<sup>s</sup> of age, of a very low stature.

Cap<sup>t</sup> Dayton is a young Gentleman of talents, with ambition to exert them. He possesses a good education and some reading ; he speaks well, and seems desirous of improving himself in Oratory. There is an impetuosity in his temper that is injurious to him ; but there is an honest rectitude about him that makes him a valuable Member of Society, and secures to him the esteem of all good Men. He is about 30 years old, served with me as a Brother Aid to General Sullivan in the Western expedition of '79.

From Pennsylvania.

Benj<sup>a</sup> Franklin, Tho<sup>s</sup> Mifflin, Rob<sup>t</sup> Morris, Geo. Clymer, Thomas Fitzsimons, Jared Ingersol, James Wilson, Gouverneur Morris.

D<sup>r</sup> Franklin is well known to be the greatest phylosopher of the present age;—all the operations of nature he seems to understand,—the very heavens obey him, and the Clouds yield up their Lightning to be imprisoned in his rod. But what claim he has to the politician, posterity must determine. It is certain that he does not shine much in public Council,—he is no Speaker, nor does he seem to let politics engage his attention. He is, however, a most extraordinary Man, and tells a story in a style more engaging than anything I ever heard. Let his Biographer finish his character. He is 82 years old, and possesses an activity of mind equal to a youth of 25 years of age.

General Mifflin is well known for the activity of his mind, and the brilliancy of his parts. He is well informed and a graceful Speaker. The General is about 40 years of age, and a very handsome man.

Robert Morris is a merchant of great eminence and wealth ; an able Financier, and a worthy Patriot. He has an understanding equal to any public object, and possesses an energy of mind that few Men can boast of. Although he is not learned, yet he is as great as those who are. I am told that when he speaks in the Assembly of Pennsylvania, that he bears down all before him. What could have been his reason for not Speaking in the Convention I know not,—but he never once spoke on any point. This Gentleman is about 50 years old.

M<sup>r</sup> Clymer is a Lawyer of some abilities ;—he is a respectable Man, and much esteemed. M<sup>r</sup> Clymer is about 40 years old.

M<sup>r</sup> Fitzsimons is a Merchant of considerable talents, and speaks

very well I am told, in the Legislature of Pennsylvania. He is about 40 years old.

M<sup>r</sup> Ingersol is a very able Attorney, and possesses a clear legal understanding. He is well aduated in the Classic's, and is a Man of very extensive reading. M<sup>r</sup> Ingersol speaks well, and comprehends his subject fully. There is a modesty in his character that keeps him back. He is about 36 years old.

M<sup>r</sup> Wilson ranks among the foremost in legal and political knowledge. He has joined to a fine genius all that can set him off and show him to advantage. He is well acquainted with Man, and understands all the passions that influence him. Government seems to have been his peculiar Study, all the political institutions of the World he knows in detail, and can trace the causes and effects of every revolution from the earliest stages of the Grecian commonwealth down to the present time. No man is more clear, copious, and comprehensive than M<sup>r</sup> Wilson, yet he is no great Orator. He draws the attention not by the charm of his eloquence, but by the force of his reasoning. He is about 45 years old.

M<sup>r</sup> Gouverneur Morris is one of those Genius's in whom every species of talents combine to render him conspicuous and flourishing in public debate:—He winds through all the mazes of rhetoric, and throws around him such a glare that he charms, captivates, and leads away the senses of all who hear him. With an infinite stretch of fancy he brings to view things when he is engaged in deep argumentation, that render all the labor of reasoning easy and pleasing. But with all these powers he is fickle and inconstant,—never pursuing one train of thinking,—nor ever regular. He has gone through a very extensive course of reading, and is acquainted with all the sciences. No Man has more wit,—nor can any one engage the attention more than M<sup>r</sup> Morris. He was bred to the Law, but I am told he disliked the profession, and turned Merchant. He is engaged in some great mercantile matters with his namesake M<sup>r</sup> Rob<sup>t</sup> Morris. This Gentleman is about 38 years old, he has been unfortunate in losing one of his Legs, and getting all the flesh taken off his right arm by a scald, when a youth.

From Delaware.

Jn<sup>o</sup> Dickinson, Gunning Bedford, Geo: Read, Rich<sup>d</sup> Bassett, and Jacob Broom Esquires.

M<sup>r</sup> Dickinson has been famed through all America, for his Farmers Letters; he is a Scholar, and said to be a Man of very extensive information. When I saw him in the Convention I was induced to pay the greatest attention to him whenever he spoke. I had often heard that he was a great Orator, but I found him an indifferent Speaker. With an affected air of wisdom he labors to produce a trifle,—his language is irregular and incorrect,—his flourishes, (for he sometimes attempts them), are like expiring flames, they just shew themselves and go out;—no traces of them are left on the mind to cheer or animate it. He is, however, a good writer and will be ever considered one of the most important char-

acters in the United States. He is about 55 years old, and was bred a Quaker.

M<sup>r</sup> Bedford was educated for the Bar, and in his profession I am told, has merit. He is a bold and nervous Speaker, and has a very commanding and striking manner;—but he is warm and impetuous in his temper, and precipitate in his judgment. M<sup>r</sup> Bedford is about 32 years old, and very corpulent.

M<sup>r</sup> Read is a Lawyer and a Judge;—his legal abilities are said to be very great, but his powers of Oratory are fatiguing and tiresome to the last degree;—his voice is feeble, and his articulation so bad that few can have patience to attend to him. He is a very good Man, and bears an amiable character with those who know him. M<sup>r</sup> Read is about 50, of a low stature, and a weak constitution.

M<sup>r</sup> Bassett is a religious enthusiast, lately turned Methodist, and serves his Country because it is the will of the people that he should do so. He is a Man of plain sense, and has modesty enough to hold his Tongue. He is a Gentlemanly Man, and is in high estimation among the Methodists. M<sup>r</sup> Bassett is about 36 years old.

M<sup>r</sup> Broom is a plain good Man, with some abilities, but nothing to render him conspicuous. He is silent in public, but chearful and conversable in private. He is about 35 years old.

From Maryland.

Luther Martin, Ja<sup>s</sup> McHenry, Daniel of S<sup>t</sup> Thomas Jenifer, and Daniel Carrol Esquires.<sup>1</sup>

M<sup>r</sup> Martin was educated for the Bar, and is Attorney general for the State of Maryland. This Gentleman possesses a good deal of information, but he has a very bad delivery, and so extremely prolix, that he never speaks without tiring the patience of all who hear him. He is about 34 years of age.

M<sup>r</sup> M<sup>c</sup> Henry was bred a physician, but he afterwards turned Soldier and acted as Aid to Gen<sup>l</sup> Washington and the Marquis de la Fayette. He is a Man of specious talents, with nothing of genius to improve them. As a politician there is nothing remarkable in him, nor has he any of the graces of the Orator. He is however, a very respectable young Gentleman, and deserves the honor which his Country has bestowed on him. M<sup>r</sup> M<sup>c</sup> Henry is about 32 years of age.

M<sup>r</sup> Jenifer is a Gentleman of fortune in Maryland;—he is always in good humour, and never fails to make his company pleased with him. He sits silent in the Senate, and seems to be conscious that he is no politician. From his long continuance in single life, no doubt but he has made the vow of celibacy. He speaks warmly of the Ladies notwithstanding. M<sup>r</sup> Jenifer is about 55 years of Age, and once served as an Aid de Camp to Major Gen<sup>l</sup> Lee.

M<sup>r</sup> Carrol is a Man of large fortune, and influence in his State. He possesses plain good sense, and is in the full confidence of his Countrymen. This Gentleman is about      years of age.

<sup>1</sup> James Francis Mercer omitted.

From Virginia.

Gen<sup>l</sup> Geo: Washington, Geo: Wythe, Geo: Mason, Ja<sup>s</sup> Maddison jun<sup>r</sup> Jn<sup>o</sup> Blair, Edm<sup>d</sup> Randolph, and James M<sup>c</sup> Lurg.

Gen<sup>l</sup> Washington is well known as the Commander in chief of the late American Army. Having conducted these States to independence and peace, he now appears to assist in framing a Government to make the People happy. Like Gustavus Vasa, he may be said to be the deliverer of his Country ;—like Peter the great he appears as the politician and the States-man ; and like Cincinnatus he returned to his farm perfectly contented with being only a plain Citizen, after enjoying the highest honor of the confederacy,—and now only seeks for the approbation of his Country-men by being virtuous and useful. The General was conducted to the Chair as President of the Convention by the unanimous voice of its Members. He is in the 52<sup>d</sup> year of his age.

M<sup>r</sup> Wythe is the famous Professor of Law at the University of William and Mary. He is confessedly one of the most learned legal Characters of the present age. From his close attention to the study of general learning he has acquired a compleat knowledge of the dead languages and all the sciences. He is remarked for his exemplary life, and universally esteemed for his good principles. No Man it is said understands the history of Government better than M<sup>r</sup> Wythe,—nor any one who understands the fluctuating condition to which all societies are liable better than he does, yet from his too favorable opinion of Men, he is no great politician. He is a neat and pleasing Speaker, and a most correct and able Writer. M<sup>r</sup> Wythe is about 55 years of age.

M<sup>r</sup> Mason is a Gentleman of remarkable strong powers, and possesses a clear and copious understanding. He is able and convincing in debate, steady and firm in his principles, and undoubtedly one of the best politicians in America. M<sup>r</sup> Mason is about 60 years old, with a fine strong constitution.

M<sup>r</sup> Maddison is a character who has long been in public life ; and what is very remarkable every Person seems to acknowledge his greatness. He blends together the profound politician, with the Scholar. In the management of every great question he evidently took the lead in the Convention, and tho' he cannot be called an Orator, he is a most agreeable, eloquent, and convincing Speaker. From a spirit of industry and application which he possesses in a most eminent degree, he always comes forward the best informed Man of any point in debate. The affairs of the United States, he perhaps, has the most correct knowledge of, of any Man in the Union. He has been twice a Member of Congress, and was always thought one of the ablest Members that ever sat in that Council. M<sup>r</sup> Maddison is about 37 years of age, a Gentleman of great modesty,—with a remarkable sweet temper. He is easy and unreserved among his acquaintance, and has a most agreeable style of conversation.

M<sup>r</sup> Blair is one of the most respectable Men in Virginia, both on account of his Family as well as fortune. He is one of the Judges of the



Supreme Court in Virginia, and acknowledged to have a very extensive knowledge of the Laws. M<sup>r</sup> Blair is however, no Orator, but his good sense, and most excellent principles, compensate for other deficiencies. He is about 50 years of age.

M<sup>r</sup> Randolph is Governor of Virginia,—a young Gentleman in whom unite all the accomplishments of the Scholar, and the States-man. He came forward with the postulata, or first principles, on which the Convention acted, and he supported them with a force of eloquence and reasoning that did him great honor. He has a most harmonious voice, a fine person and striking manners. M<sup>r</sup> Randolph is about 32 years of age.

M<sup>r</sup> M<sup>r</sup>Lurg is a learned physician, but having never appeared before in public life his character as a politician is not sufficiently known. He attempted once or twice to speak, but with no great success. It is certain that he has a foundation of learning, on which, if he pleases, he may erect a character of high renown. The Doctor is about 38 years of age, a Gentleman of great respectability, and of a fair and unblemished character.

#### North Carolina.

W<sup>m</sup> Blount, Rich<sup>d</sup> Dobbs Spaight, Hugh Williamson, W<sup>m</sup> Davey, and Jn<sup>s</sup> Martin<sup>1</sup> Esquires.

M<sup>r</sup> Blount is a character strongly marked for integrity and honor. He has been twice a Member of Congress, and in that office discharged his duty with ability and faithfulness. He is no Speaker, nor does he possess any of those talents that make Men shine ;—he is plain, honest, and sincere. M<sup>r</sup> Blount is about 36 years of age.

M<sup>r</sup> Spaight is a worthy Man, of some abilities, and fortune. Without possessing a Genius to render him brilliant, he is able to discharge any public trust that his Country may repose in him. He is about 31 years of age.

M<sup>r</sup> Williamson is a Gentleman of education and talents. He enters freely into public debate from his close attention to most subjects, but he is no Orator. There is a great degree of good humour and pleasantry in his character ; and in his manners there is a strong trait of the Gentleman. He is about 48 years of age.

M<sup>r</sup> Davey is a Lawyer of some eminence in his State. He is said to have a good classical education, and is a Gentleman of considerable literary talents. He was silent in the Convention,<sup>2</sup> but his opinion was always respected. M<sup>r</sup> Davey is about 30 years of age.

M<sup>r</sup> Martin was lately Governor of North Carolina, which office he filled with credit. He is a Man of sense, and undoubtedly is a good politician, but he is not formed to shine in public debate, being no Speaker. M<sup>r</sup> Martin was once a Colonel in the American Army, but proved unfit for the field. He is about 40 years of age.

<sup>1</sup> Alexander Martin.

<sup>2</sup> Not absolutely ; see *Madison Papers*, 1007, 1039, 1081, 1154, 1191.

South Carolina.

Jn<sup>o</sup> Rutledge, Ch<sup>s</sup> Cotesworth Pinckney, Charles Pinckney, and Pierce Butler Esquires.

M<sup>r</sup> Rutledge is one of those characters who was highly mounted at the commencement of the late revolution ;—his reputation in the first Congress gave him a distinguished rank among the American Worthies. He was bred to the Law, and now acts as one of the Chancellors of South Carolina. This Gentleman is much famed in his own State as an Orator, but in my opinion he is too rapid in his public speaking to be denominated an agreeable Orator. He is undoubtedly a man of abilities, and a Gentleman of distinction and fortune. M<sup>r</sup> Rutledge was once Governor of South Carolina. He is about 48 years of age.

M<sup>r</sup> Ch<sup>s</sup> Cotesworth Pinckney is a Gentleman of Family and fortune in his own State. He has received the advantage of a liberal education, and possesses a very extensive degree of legal knowledge. When warm in a debate he sometimes speaks well,---but he is generally considered an indifferent Orator. M<sup>r</sup> Pinckney was an Officer of high rank in the American Army, and served with great reputation through the War. He is now about 40 years of age.

M<sup>r</sup> Charles Pinckney is a young Gentleman of the most promising talents. He is, altho' only 24 y<sup>s</sup> of age, in possession of a very great variety of knowledge. Government, Law, History and Phylosophy are his favorite studies, but he is intimately acquainted with every species of polite learning, and has a spirit of application and industry beyond most Men. He speaks with great neatness and perspicuity, and treats every subject as fully, without running into prolixity, as it requires. He has been a Member of Congress, and served in that Body with ability and eclat.

M<sup>r</sup> Butler is a character much respected for the many excellent virtues which he possesses. But as a politician or an Orator, he has no pretensions to either. He is a Gentleman of fortune, and takes rank among the first in South Carolina. He has been appointed to Congress, and is now a Member of the Legislature of South Carolina. M<sup>r</sup> Butler is about 40 years of age ; an Irishman by birth.

For Georgia.

W<sup>m</sup> Few, Abraham Baldwin, W<sup>m</sup> Pierce, and W<sup>m</sup> Houstoun Esq<sup>rs</sup>.

M<sup>r</sup> Few possesses a strong natural Genius, and from application has acquired some knowledge of legal matters ;—he practises at the bar of Georgia, and speaks tolerably well in the Legislature. He has been twice a Member of Congress, and served in that capacity with fidelity to his State, and honor to himself. M<sup>r</sup> Few is about 35 years of age.

M<sup>r</sup> Baldwin is a Gentleman of superior abilities, and joins in a public debate with great art and eloquence. Having laid the foundation of a compleat classical education at Harvard College, he pursues every other study with ease. He is well acquainted with Books and Characters, and has an accomodating turn of mind, which enables him to gain the con-

fidence of Men, and to understand them. He is a practising Attorney in Georgia, and has been twice a Member of Congress. M<sup>r</sup> Baldwin is about 38 years of age.

M<sup>r</sup> Houstoun is an Attorney at Law, and has been Member of Congress for the State of Georgia. He is a Gentleman of Family, and was educated in England. As to his legal or political knowledge he has very little to boast of. Nature seems to have done more for his corporeal than mental powers. His Person is striking, but his mind very little improved with useful or elegant knowledge. He has none of the talents requisite for the Orator, but in public debate is confused and irregular. M<sup>r</sup> Houstoun is about 30 years of age of an amiable and sweet temper, and of good and honorable principles.

My own character I shall not attempt to draw, but leave those who may choose to speculate on it, to consider it in any light that their fancy or imagination may depict. I am conscious of having discharged my duty as a Soldier through the course of the late revolution with honor and propriety; and my services in Congress and the Convention were bestowed with the best intention towards the interest of Georgia, and towards the general welfare of the Confederacy. I possess ambition, and it was that, and the flattering opinion which some of my Friends had of me, that gave me a seat in the wisest Council in the World, and furnished me with an opportunity of giving these short Sketches of the Characters who composed it.

## REVIEWS OF BOOKS

*Religions of Primitive Peoples.* By DANIEL G. BRINTON, A.M., M.D., LL.D., Professor of American Archaeology and Linguistics in the University of Pennsylvania. (New York and London: G. P. Putnam's Sons. 1897. Pp. xiv, 264.)

UNITING the historic, comparative and psychological methods, and with opulent reference to religious phenomena found among Occidental nature-peoples, Dr. Brinton, in large part, leaves in the background the Semitic, Indic, Egyptian and other religions, though frequent judgments of insight and great value are expressed concerning the religions of the Orient. As he is one of the leading folk-lorists and anthropologists of America, naturally emphasis is placed upon data gathered from fields in which he is an illustrious expert.

In Lecture I. Dr. Brinton thinks the expression "Science of Religion" is premature, and prefers to regard his work as "a study of religions according to scientific methods."

Primitive peoples, so far from being the earliest men on the planet, are rather the "earliest of a given race or tribe of whom the ethnologist has trustworthy information." The resemblance of primitive religious ideas is the result not of borrowing by one race from another, nor of historic relations, but springs from the fundamental psychic unity of man.

Savagery is the childhood of humanity; but the savage is not so much a child, as he is an "uncultivated and ignorant adult," a creature of great nervous susceptibility, accepting ideas without reasoning, and capable in a new environment of certain explosions of intelligence, thus revealing a marvellous capacity for knowledge.

The author, while holding that religion is a universal phenomenon, hesitates to think that palaeolithic man could give objective expression to religious feeling. In his ascent from a lower order, there must have been a stage in which he possessed no religious consciousness. Here it may be remarked upon this statement of Dr. Brinton, that obviously man cannot be said to have a religious consciousness before he arrives at the human stage, and that when the hour of human self-consciousness is struck, religious consciousness is coeval with it, for the religious capacity is inherent in his soul from the first.

Lecture II. deals with the psychological development of religion, and relates the subjective to the empirical sources of religious feeling, much in favor of the latter. The author holds with most writers upon primitive religion that by early men agency or will is discerned in the motions of natural objects, that naturism, animism and impressions of the vast non-finite were potent factors of development. But as he pro-

ceeds his psychology becomes, we think, somewhat irresolute and the subjective and objective factors are not as clearly differentiated as one could desire. One may cordially agree with him that "Conscious Volition is the ultimate source of all Force," and that "man is in communication with it," that "there is a *Deus in nobis*," and that our minds "vibrate in unison" with "overtones from the harmonies of the Universal Intelligence." The route from man's personality, or will as causation, to the ground-will of the world and man, is, from the present writer's point of view, an easier passage, than by the way of the monism of Mr. Romanes, which Dr. Brinton seems to favor. Monism is a fascinating but unsatisfactory metaphysic. Mr. Romanes concedes that monism does not lead necessarily beyond pure agnosticism, and from monism one may arrive at either theism or atheism. Monism rests upon the doctrine of an exact quantitative and qualitative parallelism between mind and matter, a doctrine which is still under fire. Without theistic monism, religion would seem to have no adequate explanation. To hold that mind and motion (or matter) are the same thing with two faces, that mental and physical processes are the same, may be of service to derive, empirically, religious feeling from "sub-consciousness," and thus account for abnormal phenomena of religious excitation, but this explanation of shamanism and medicine-rites is secured at the cost of deriving all divine ideals from "auto-suggestion," and of sinking the distinction between the theopathic and the pathologic elements of religion. I am not sure that Dr. Brinton does not rise clearly above this empirical monistic point of view in his italicised statement that man is in communication with a "Conscious Volition." Dr. C. P. Tiele is certainly wrong in saying that Dr. Brinton has sought for the mainspring of religious inspiration in sexual life, but not perhaps so far wrong in saying, that "he has associated it with hysteria."

In Lecture III. religious expression in the word, in magical use of names and phrases, is illustrated by many facts. In Lecture IV. expression of religion in the object, in the worship of the four elements, of stones, trees, animals, and in the genesiac cults, is comprehensively treated. Totemic animals or eponymous ancestors of clans are not to be taken as animals literally, but as mythical ancient beings, of supernatural character, known through revelation or invented by elders of the clan; and thus from the myth sprang the relationship.

In Lecture V. the rite is correctly based upon the myth and not the myth upon the rite. Dr. Tiele (spelled wrongly in the book) takes this view in the *Gifford Lectures* (I. 23) contrary to the view of Dr. W. Robertson Smith.

In Lecture VI. Dr. Brinton traces the lines of development, first, in the social bond, secondly, in the family and the position of woman. In the preceding lecture, he denies that promiscuity and communal marriage have a scintilla of evidence for their existence. The matriarchate and patriarchate both existed as matters of local accident. Thirdly, he traces the lines of development in the growth of jurisprudence, fourthly of

ethics, fifthly of positive knowledge (or science), sixthly of the arts, and seventhly of independent individual life.

One regrets the remark (p. 230) that "in all religions, and in the essence of religion itself, there lies concealed a contempt for the merely ethical, as compared with the mystical in life," and Dr. Brinton seems to accept a perpetual antithesis between religion and science. "Science is from the conscious, and religion is from the sub-conscious, intelligence." Thus religion is placed at all times in "antagonism to universal ethics" and to science. If this is true it is all over, we must think, with a science of religion, and a philosophy of religion as well. But that there is now a rapprochement of science and religion must be conceded. Science is becoming metaphysical, and religious philosophy is inductive in method.

The book is a valuable contribution to the study of religion. The distinguished author enriches our knowledge with many facts from his own field of research. The printing is excellent, and the form of the book attractive, like all those issued from the house of Putnam's.

CHARLES MELLEN TYLER.

*Nippur*, or Explorations and Adventures on the Euphrates; the Narrative of the University of Pennsylvania Expedition to Babylonia in the Years 1888-1890. By JOHN PUNNETT PETERS, Ph.D., Sc.D., D.D., Director of the Expedition. With Illustrations and Maps. (New York: G. P. Putnam's Sons. 1897. Two vols., pp. xv, 375; x, 420.)

THIS book is interesting from several points of view. It is an entertaining and instructive account of travel and adventure. It describes the beginning of a series of explorations of great significance, not yet completed. It also records specific discoveries of enduring value.

Under the head of travel and adventure falls the larger part of the narrative. It includes the account of two separate journeys from America to Babylonia. Constantinople is viewed with the eyes of one detained in it by the weary process of securing an *iradé*, or permission to excavate. Hamdy Bey, the enlightened director of the Imperial Museum at Stamboul, is mentioned in terms of warm appreciation. The ride down the Euphrates is vividly described. It was aside from the author's main purpose to make contributions to geography, ancient or modern, but he has used carefully the standard accounts of Chesney and Ainsworth, and noted, quite simply and definitely, the cases where his observations differed from theirs. He also devotes an Excursus (Vol. I., Appendix E) to a brief sketch of the history of our geographical knowledge of the Euphrates. The identification of *Kal'at Dibse*, on the Euphrates, in Lat. c. 35° 55' N., Long. c. 38° 20' E., with the Græco-Latin Thapsacus, and Hebrew Tiphseh, was made by him on his first journey, and has every mark of correctness. He speaks intelligently of the condition of the various towns and villages through which he passed. He closely

observed ruin-mounds along his route. On the second journey he crossed the Euphrates at Hit and remained on the left bank until Baghdad was reached. The noteworthy kindness of Major Talbot, acting Indian resident and British consul-general in Baghdad at the time of his first visit, is warmly acknowledged. Below Baghdad the difficulties, perplexities and dangers increased greatly. The climate and the hostile and jealous Arab tribes were alike threatening. No adequate precautions could be taken against either, and the Turkish commissioner and guard only increased the complication. The first year's work was rendered almost abortive by these various evils. The second, however, in which the party profited by its earlier experience, was highly successful. Dr. Peters supplemented the second season's work by a journey southward, as far as Ur (Mughair). He describes it, as he does all his experiences, in a direct and effective way, without verbosity and rhetoric, with many touches of humor, and with emphasis on the salient points. He makes thus a distinct series of pictures from beginning to end. Apart from these verbal descriptions the volumes contain many reproductions of photographs and drawings, and there are two pocket maps in the first—one of the course of the Euphrates-journey to Baghdad, and the other of Irak or Babylonia. In the form of appendix we have a long extract from the diary of Dr. William Hayes Ward, director of the Wolfe Expedition to Babylonia (1885), including especially topographical data relating to Babylonia itself; we have also translations of the *iradé* of the University of Pennsylvania Expedition, and of the Turkish law concerning excavations; the meteorological observations of the second season at Nippur, and other matter.

The expedition headed by Dr. Peters was the beginning of a series of explorations under the auspices of the University of Pennsylvania, made possible by generous gifts, chiefly from Philadelphians. After Dr. Peters left the field, the work of excavation was taken up by Dr. J. H. Haynes, who had been associated with Dr. Peters, and was carried on in the years 1893-1895. "For two years," Dr. Peters now writes, "the work has been in abeyance; but only in abeyance, for it is the intention of the Archaeological Department of the University of Pennsylvania, as soon as the times permit, to resume and ultimately complete the excavations of this most ancient city yet discovered" (Vol. I., p. viii). The cuneiform texts and monumental objects discovered in these years number many thousands, and are in process of publication by the University of Pennsylvania, under the editorship of Professor H. V. Hilprecht. Dr. Haynes is issuing an account of his own work on the field. The contributions made to knowledge by the long series of diggings already accomplished are immense in quantity, and surprising in kind. What may yet be taken from this one group of mounds none can venture to predict. And it is made quite clear at the opening of Dr. Peters' narrative, without the slightest boasting, that the whole undertaking was due in a direct way to his energy and persuasive power. It is further evident that the selection of Nippur as the place for excavating was made by him—made under



competent advice doubtless, but owing to his decision to follow that advice. Another thing that is plain is that the continuance of the excavations at Nippur after the first, rather disastrous, season, and perhaps the continuance of any excavations with the support of this Philadelphia committee, depended on Dr. Peters' tenacity of purpose, and determination, in spite of relative failure at the first, to push the matter through to ultimate success. He seems to hint at a temporary dissatisfaction of the committee with his conduct of the expedition. If such dissatisfaction existed at all, it certainly was temporary, and their confidence was amply regained and repaid. Still another evident thing is that the excavations conducted since 1890 at Nippur have been along the lines laid down in the work of the first two seasons. In all these respects Dr. Peters' work was fundamental, and he should receive full recognition and credit therefor. Dr. Peters alludes to some want of harmony in the party during the first season. He does this in a gentle manner, and certainly quite without arrogance. This is not the place to enlarge upon personal matters, nor to consider how far individual temperaments and characteristics may explain any friction. It would not be surprising if mistakes were made. Perhaps the original party was too numerous and the official relation of its members to each other not sufficiently defined. Perhaps their physical and mental condition—jaded, reduced by illness, worried by countless daily annoyances, under a constant strain of anxiety and disappointment as they were—may have been responsible for lack of thorough and congenial agreement. It would not seem necessary to allude to these matters because of anything said by Dr. Peters; but in view of comments elsewhere, so much seems not improper. It is however wholly due him that the significance of his two campaigns, both as introductory to the great work of reducing Nippur, and as intrinsically valuable to science, should be clearly recognized.

In what, then, did their intrinsic value consist? Chapter IV. of Vol. II. is entitled "General Results"; Chapters V., VI. and VII. enter more into details, under the headings, "The Oldest Temple in the World," "The Court of Columns" and "Trench by Trench." Chapter VIII. considers "Coffins and Burial Customs" by themselves; Chapter IX., several minor groups of stone and clay objects, and Chapter X. sketches the "History of Nippur." A few points may be noticed in particular:

The excavations here dealt with covered two seasons, of unequal length. That of 1889 continued only about two months (the entire time spent at Nippur that year was a little more than two months and a half—February 1 to April 18). In 1890 nearly four months were spent in excavating. In 1889 the party consisted of Dr. Peters, two other Assyriologists, viz., Dr. Robert F. Harper and Dr. H. V. Hilprecht, an architect, surveyor and engineer, in the person of Mr. Perez H. Field, Mr. (now Dr.) John H. Haynes, as photographer and business manager, and, as interpreter and director of the workmen, Mr. Daniel Z. Noorian. Mr. (now Dr. and Professor) John Dyneley Prince accompanied the expedition as *attaché* and secretary to the director, but was so ill in Bagh-

dad that he was obliged to return. In 1890 Dr. Peters was accompanied by Messrs. Haynes and Noorian, and also by Dr. Selim Aftimus, a Syrian, as botanical collector and physician; but Dr. Aftimus was taken ill on arrival at Nippur, and was forced to go back at once. Four boxes of objects were sent to Constantinople as the result of the first season's work, and more than forty boxes and parcels the second season. A large number of these objects have come to America, by Turkish permission, but the greater part of them are in the Imperial Museum at Constantinople. Plates of illustrations taken from photographs and drawings, and accompanied by careful descriptions, represent some of these objects, and constitute Appendix A of Vol. II. Special consideration is given to some classes of objects. The discovery of clay coffins, shaped like slippers, urns or tubs, gives occasion for the chapter on "Coffins and Burial Customs." Coffins and their contents as found by him Dr. Peters carefully describes. There was hardly a trace of the incineration of bodies, and Dr. Peters concludes, in accordance with the results of exploring the burial cities of Zerghul and el-Hibba, published by Koldewey (*Zeitschr. für Assyriol.*, December 1887), that the earlier usage of cremation had passed away in the period from B.C. 2500 on, to which the burials observed at Nippur seem to belong. The author calls especial attention to the discovery of drains made of pottery, to the phallic symbols found in quantities, and to the stone door-sockets, some of them inscribed and very ancient, the oldest being made of diorite from Sinai. Two of them made a camel's load, and Dr. Peters ingeniously suggests that this offers evidence of the use of the camel in Babylonia as early as B.C. 4000. He discusses in a few paragraphs the signs used in the oldest inscriptions, with the general conclusion that the most ancient ones discovered, probably antedating B.C. 4000, are already conventionalized, and by no means the most primitive that we may hope to find.

With the style of the inscriptions and the level of their discovery, is connected the most important series of questions, that relating to the history of the buildings and of the city of Nippur itself. Nippur (modern Niffer or Nufar) lies on an old canal-bed, the Shatten-Nil. It is between the Euphrates and the Tigris, and a little nearer to the former, about fifty miles SE. from Hillah, and ninety SSE. from Baghdad. It was identified more than forty years ago by Layard and Rawlinson, through inscribed bricks found on or near the surface of the mound, and was known to be the northernmost of four ancient cities, especially famous in the religious as well as the political history of Babylonia—the other three being Erech (Warka), Ur (Mughair), and Eridu (Abu Shahrein, or Nowawis, the latter being the name heard by Dr. Peters); with these the names of Taylor and Loftus are indissolubly connected as their explorers. At Nippur, by the same careful process of sinking shafts, running trenches and tunnels and observing strata which further west has yielded such fruit in the hands of Schliemann, Petrie and Bliss, not only have remains of at least two kings—Lugal-zaggisi and Lugal-kigub-nidudu—been found, antedating Sargon of Agade, whose inscriptions

were unearthed thirty-seven feet below the surface, but other remains, in layer upon layer of débris, underlie these. Sargon's date, for reasons that have stood the test of almost twenty years, and are incidentally confirmed by many discoveries, is accepted as B.C. 3800. Lugal-zaggisi and Lugal-kigub-nidudu, whose inscriptions are more archaic than Sargon's, can hardly be younger than B.C. 4000, and may be considerably earlier, while the many feet of underlying débris point to hundreds and perhaps thousands of years prior to them for the date of the earliest settlement at Nippur. This result is strengthened by the necessity of assuming a long period for the development of primitive Babylonian picture-signs into the somewhat conventionalized forms exhibited by even the oldest Nippur inscriptions.

The most considerable excavations made by Dr. Peters were on the temple-mound. A plan, and detailed descriptions, make the chapter dealing with these exceptionally interesting. The temple area proved to cover some eight acres, enclosed by a huge wall of brick, which on at least one side was surmounted by chambers. A slightly trapezoidal shape is given to the enclosure by the substitution of an obtuse for a right angle, at the eastern corner, an irregularity which Dr. Peters attributes to the lack of instruments of precision. The corners are directed approximately to the points of the compass, as in sacred buildings at Ur, Erech and elsewhere, but not exactly so. Dr. Peters rejects the astronomical or religious origin of this orientation. He says modern dwellings in the region are built with a side toward the NW. for coolness, because of the prevailing direction of the winds, and he appears to suppose that the temples simply followed the fashion. This is worth considering, and will doubtless lead to a profitable review of the subject, but the attention paid to astronomy and mathematics in Babylonia, and the intimate connection between ancient science and religion entitle us to expect traces of that connection even in the structure of temples. Within the enclosing walls of the temple at Nippur is a mass of buildings, rooms and walls, of various dates, and near one side the remains of the ziggurat, or artificial mountain, on the summit of which the god Bel had his dwelling, while the altar stood at its foot. This ziggurat is a solid rectangular mass of unbaked brick, rising in two stages, sixty-seven and a half feet thick from top to bottom, with curious wings or buttresses—comparatively late additions—projecting from the middle of each side. The measurement, over the buttresses, is 264 feet by 185. This ziggurat, in its earliest form, dates from Ur-Gur, king of Ur, nearly 3000 B.C., but has been repeatedly renewed and modified since, down to a time as late as 500 B.C. Beneath the ziggurat of Ur-Gur are the ruins of a temple of Bel contemporary with Naram-Sin (B. C. 3750) and his father Sargon. This temple, as far as appears, contained no ziggurat. There were earlier constructions still on the same site, but their form we do not yet know. There is little doubt that this temple-mound was the site of structures for worship from the very beginning of permanent human habitation at Nippur. Probably none

more ancient are yet discovered than those whose crumbled ruins underlie the ziggurat of Ur-Gur.

Limits of space forbid further details. The value of the work recorded in Dr. Peters' book is sufficiently evident. All the world owes a debt to Philadelphia, and to the University of Pennsylvania. The frontispieces of the volumes are portraits of Mr. E. W. Clark and Provost Pepper, of the University, the earliest and largest contributors to the fund, and intelligent supporters of the work. They deserve all honor. May they have many imitators!

FRANCIS BROWN.

*Cyprian; His Life, His Times, His Work.* By EDWARD WHITE BENSON, D.D., D.C.L., sometime Archbishop of Canterbury. (New York: The Macmillan Company. 1897. Pp. xxxviii, 636.)

No ecclesiastical writer of the first three Christian centuries made so profound an impression on the minds of men as Thascius Caecilius Cyprianus, usually known as Saint Cyprian. His eminently practical genius, the gravity of the great problems in which he was a factor, and the peculiar importance of those two decades of the third century in which he became a Christian and directed the Church of Africa, combine to make his personality a leading one. The pages of Chevalier, Harnack and Bardenhewer show how great has been the literary interest in this remarkable man down to our day, and the long list of editors and students of his works more than justifies the esteem of antiquity such as Prudentius voiced it (*Peristephanon*, No. 13).

Dum genus esse hominum Christus sinet, et vigere mundum,  
Dum liber ullus erit, dum scrinia sacra litterarum,  
Te leget omnis amans Christum, tua, Cypriane, discet.

In this Life of Saint Cyprian, Archbishop Benson has given to the world the fruit of some thirty years' labor, the scientific perfection of the sketch contributed by him many years ago to the *Dictionary of Christian Biography*. The work is divided into twelve chapters, and is prefaced by a picturesque description of the contemporary Carthage and Northern Africa, social and religious. Then follows an account of the earlier years of Cyprian, as lay convert, deacon, priest, and finally as bishop of the great Christian community of Carthage.

In the second and third chapters is told the story of the Decian persecution, and the terrible domestic conflict that followed its cessation. Novatianism involved the principle and developed the means of church unity, hence in the fourth and fifth chapters the treatise of Cyprian "On the Unity of the Catholic Church," and the consequences of his legislation for the *lapsi*, or fallen, are discussed. The pastoral activity of Cyprian is described at great length, and furnishes the most readable and serviceable pages of a book in which there is much that will be of service to future students. The memorable question of the rebaptism of heretics, and the consequent conflict of Cyprian with the See of Rome, takes up

over a hundred pages of the work, which ends with the death of Cyprian in the persecution of Valerian. Appendices follow (pp. 537-620) on the meaning of *principalis ecclesia* in Cyprian (*Ep.* 59, 14); on the Libelli (certificates of apostasy) and two extant specimens of them; on the intrigues about the Manutius and the Benedictine text of Cyprian; on points in the chronology of Valerian's reign; on the lists of bishops attending the African Councils and the cities they came from; on St. Cyprian's day in the Kalendars. Three maps illustrate the topography of the story—maps of the cemeteries on the Appian Way near Rome, of the environs of Carthage, and of Proconsular and Numidian Africa, as illustrating the writings of Cyprian. The latter is a very welcome help to the student, in conjunction with the careful chronology of Cyprian's times and writings that precedes the introduction (pp. xxi-xxiii). The text is enlivened with several woodcuts of the graves of Popes Fabian, Cornelius and Lucius, contemporaries of Cyprian, of the coins of Cornelia Salonina, the Christian (?) empress of Valerian, and of the ninth-century frescoes of Cyprian and Cornelius in the cemetery of Callixtus.

It is a work replete with original research, and will be long an indispensable volume to the student of Cyprian. The numerous *opuscula* of that writer have been woven with skill into the narrative, and the book abounds in excursus, appendices, lengthy footnotes, in which a varied and elegant learning is manifested. It belongs among such valuable contributions to patrological literature as the works of Bishop Lightfoot, and is another evidence of the profound charm that Christian antiquity exercises over the best minds.

The defects of the volume are as striking as its good qualities, and quite balance them. The style is ponderous and affected, overloaded with minutiae of thought and fact, and almost utterly wanting in the lucidity and directness that mark the writings of Lightfoot. It is the style of a modern *grammaticus*, with all its hypercriticism and formalism of method, whereby, too often, the personality of the writer eclipses that of his subject.

Another defect, that runs throughout the book from preface to index, is the strong bias against the Roman Church. The claims of the latter are a just object of criticism at the hands of a writer on St. Cyprian, whose life-history is closely bound up with the history of several contemporary bishops of Rome. But it detracts greatly from the impartiality of the critic, when it seems that he has a brief in the case, and is intent from the opening of it on making "points," long before the crucial discussion of the principal questions sets in. As a literary historian Archbishop Benson is, therefore, inferior to Bishop Lightfoot or Bishop Stubbs. His strictures on the Roman authorities for retaining the interpolated text of *De Unitate Ecclesiae Catholicae* (c. 4, "et primatus Petro datur," etc.) are far too severe. They considered themselves in possession of an ancient and favorable text, that had for it what seemed to them reliable manuscript evidence, and was fully one thousand years in use, when it was proposed to expunge it from all future editions of Cyprian. It

seems wrong to attribute to them a deliberate intention of maintaining a recognized forgery (p. 230), when it is not clear that the interpolations are anything more than marginal notes or glosses that have become incorporated with a text, with which they otherwise have a very close resemblance. Harnack has shown (*Dogmengeschichte*, I.<sup>2</sup> 348) that Cyprian has elsewhere manifested similar views (e. g., *Epp.* 48, 3; 59, 14; 67, 5; 68; 70, 3) and apropos of this matter says: "Cyprian hat sich unzweifelhaft bei seinem Conflict mit Stephanus in Widerspruch zu seinen früheren Ansichten über die Bedeutung des römischen Stuhls für die Kirche gesetzt, Ansichten, die er freilich in einer kritischen Zeit vorgetragen hatte, in welcher er mit dem römischen Bischof Schulter an Schulter gestanden hat" (p. 349, n. 3).

The Roman Church has never needed to base her jurisdictional claims on a single writer, even of Cyprian's standing. Before him Polycrates of Ephesus (*Eus. H. E.*, V. 24), Tertullian (*Hieron. De vir. ill.*, c. 53), and Hippolytus (*Philosophoumena*, IX. 7, 11, 12) had come into conflict with the bishops of Rome, and were compelled to yield. Origen (*Eus. H. E.*, VI. 36, *Hieron. Ep.* 84, 10) was obliged to write a penitential epistle to Pope Fabian, and there can be little doubt that Cyprian himself did some such act, else he would scarcely be in communion with Pope Xystus when the latter died, would not have been taken into the affections of the Roman community and, by a rare and curious exception, made a sharer in the honors paid to Pope Cornelius.

Archbishop Benson objects strongly to the Roman interpretation of the *Ecclesia principalis* of Cyprian (*Ep.* 59, 14). But in what does it differ from *Ep.* 48, 3, where the Roman Church is called "matrix et radix ecclesiae catholicae"? Here, too, the superior impartiality of Harnack is manifest. He says (o. c., p. 405) speaking of the *potior principalitas* of St. Irenaeus (*Adv. haer.*, III. 3, 7) "Unzweifelhaft ist, das vielmehr die römische Gemeinde genannt werden *musste* weil ihr Votum in der Christenheit bereits als das entscheidendste galt."

The third century of the Christian era was one of remarkable activity in the development of church institutions. The divine sap flowed freely through the members of the youthful society. But nowhere was that natural development more visible than in the Roman Church, "in qua semper," says St. Augustine (*Ep.* 43, vl. 162), himself a successor of St. Cyprian, "apostolatus vigit principatus." The facts cited above, the successful checking of the great primate of Africa, the self-subjection of Dionysius of Alexandria (*Athanasius, De Sententia Dionysii*, c. 13), the decision of Aurelian in the matter of Paul of Samosata (*Eus. H. E.*, VII. 30) shows that the power of the Roman See in ecclesiastical matters was already a recognized fact. The epitaph of Abercius (Lightfoot, *St. Ignatius*, p. 496) and the *Adversus Aleatores* (Hartel, *Opp. Cypriani*, p. III., p. 93) throw new light on the course of this development in the second century. The documents of the Donatist appeal to Constantine (*Migne, P. L.*, VIII. 478-492) show that the Roman See was long since recognized as the supreme juridical tribunal of Christians in spiritual matters,



and that Pope Julius did not exaggerate his rights as supreme judge in the matter of St. Athanasius a few years later (Socrates, II. 15, 17; Sozomen, III. 8). The strong resistance of St. Cyprian is an isolated fact, and by no means the criterion of the episcopal temper of the third century, which, in the face of heresy and schism, was rather inclined to strengthen the *potior principalitas* of the Roman See. "Jener Satz: *Ecclesia Romana semper habuit primatum*," says Harnack, "und der andere dass 'Katholisch' im Grunde 'Römisch-Katholisch' sei, ersonnen zu Ehren des Jeweiligen Inhabers des römischen Stuhls, sind grobe Fictionen (!); aber sie enthalten, auf die Gemeinde der Welthauptstadt bezogen, eine Wahrheit deren Verkennung dem Verzichte gleichkommt, den Prozess der Katholisirung und Unificirung der Kirchen verständlich zu machen" (o. c., p. 412). Still more radical are the views of another writer of the same school (Sohm, *Geschichte des Kirchenrechts*, I. § 31, pp. 377-440).

THOMAS J. SHAHAN.

*The Domesday of Inclosures, 1517-18*, being the Extant Returns to Chancery for Berks, Bucks, Cheshire, Essex, Leicestershire, Lincolnshire, Northants, Oxon, and Warwickshire by the Commissioners of Inclosures in 1517, and for Bedfordshire in 1518, together with Dugdale's MS. Notes of the Warwickshire Inquisitions in 1517, 1518, and 1549. Edited for the Royal Historical Society by I. S. LEADAM, M.A. (London, New York and Bombay: Longmans, Green and Co. 1897. Two vols., pp. 715.)

In this work Mr. Leadam continues the editing and analysis of the presentments made before the Commission of Inclosures of 1517, which he began in the *Transactions of the Royal Historical Society*, 1892-4 under the title "The Inquisition of 1517." The documents printed in these volumes are of far greater value than those that have previously appeared; for while the Lansdowne MS. printed in the *Transactions* is an incomplete abstract of certain of the returns that were made by the commissioners to Chancery, the present volumes contain transcripts of the original returns themselves. The information contained in the returns is also more varied than that in the Lansdowne MS. It has been analysed and tabulated in painstaking fashion; and the results brought together in the introductions to the several parts of the work.

It is Mr. Leadam's opinion that it was just these counties, the returns of which are now printed, "in which the inclosing movement was proceeding most rapidly and in which, therefore, Wolsey desired to oppose the first check." Hence it is of special interest to know how far these counties had been enclosed. In each of the five counties for which the data are most nearly complete, the area enclosed between 1485 and 1517 was less than two per cent. of the total area returned. The proportion seems small; but that the enclosures were accompanied by important social changes is evident from the number of the evicted. Thus



in Bucks, where 1.93 per cent. of the total area was enclosed, over a thousand persons suffered eviction or displacement from labor. In many localities the area "enclosed to arable" was considerable; thus in Berks it was no less than sixty per cent. of all the land enclosed.

The original returns throw much light on the share taken in enclosing and evicting by the several classes that occupied the land. Leaseholders, farm tenants, and, to some extent, copyholders, as well as freeholders and lords of manors, had a hand in the agrarian revolution. The degree of energy exhibited by these different classes in converting and clearing their land, is set forth by Mr. Leadam, though he adds little or nothing to what he has already said with regard to the tenure of the evicted population. The tables showing the extent to which landowners in the several counties let their land or else retained it in their own hands, are of interest.

One of the more general conclusions that Mr. Leadam reaches—a conclusion both important and new, but not, it would seem, by any means proved,—is that the agricultural movement "began with consolidation of holdings having for object the prosecution of farming on a large scale. It was not till a generation had almost passed away [*i. e.*, 1514-15] that the subsequent movement of conversion of tillage to pasture was sufficiently extensive to arouse the attention of the legislature." For this opinion Mr. Leadam finds support in the documents comprised within these volumes. The tables showing the yearly progress of enclosure seem to be those on which this conclusion, as well as many others, are based. But the defective system of tabulation here employed renders these tables an unsafe basis for generalization. In these tables the period 1485-1517 is divided into four periods of unequal length. The first and fourth periods are each of six years; the second and third are decades. The sum totals of the area of land enclosed during each period are compared; and the increase or decrease per cent. during each of the last three periods is calculated on the area enclosed during the period immediately preceding. No account seems to have been taken of the fact that, other things being equal, more land would inevitably be enclosed within ten years than within six!

The term "consolidation," frequently used in the book, seems hardly a happy one by which to describe the engrossing or aggregation of holdings. For consolidation of holdings suggests the change from holdings that are territorially discrete to holdings that, as Professor Maitland puts it, might be ring-fenced. "Consolidation" in this latter sense was going on at the same time with "engrossing." It would therefore seem especially desirable that different designations should be used for the two distinct movements.

The records, which Mr. Leadam has ably edited, will be of the greatest interest to students of the social history of England. In them too the local historian will find much of value; and the future historian of enclosures will find Mr. Leadam's work the chief printed source from which to draw.

F. G. DAVENPORT.

*Select Pleas in the Court of Admiralty.* Vol. II., 1547 to 1602, being Vol. XI. of the Publications of the Selden Society. Edited by REGINALD G. MARSDEN. (London: B. Quaritch. 1897. Pp. lxxxviii, 249.)

IN this second volume Mr. Marsden brings down the collection of Pleas in Admiralty through the reign of Elizabeth; and a summary is given of the main events in the history of the court to the end of the seventeenth century. His volumes give us our most authoritative information about the Court of Admiralty before the published reports of its decisions begin. The origin and history of the court have been briefly touched by Coke and the antiquarians, but for accurate knowledge we must now rely on Mr. Marsden.

In the introduction are discussed the history of the court during the later Tudor period, the disputes as to jurisdiction between the admiral and the seaports (emphasizing the medieval notion of jurisdiction as the right to take the profits of justice), the later disputes between the admiral and the common-law courts, resulting in the complete triumph of the latter, and a summary of the history of admiralty through the Stuart period. Mr. Marsden has formulated his conclusions after an exhaustive examination of the English records; they seem to have been carefully drawn, and are enforced by abundant citation of accessible though usually unpublished authorities. If his method can be criticized, it is for neglecting information that could be obtained from Continental sources. Consideration of such sources is of course quite beyond the scope of his work.

An interesting part of the introduction is the summary of cases not elsewhere printed or commented on. One thus gets an adequate notion of the general run of business in the court; and though a mere summary is sometimes tantalizing, one would after all rather know that a case exists, and where, than to know nothing of it. We cannot expect ever to get all the records printed in full.

Special investigation of interesting points has been made, as of prohibitions out of the common-law courts, and of the history of loss in cases of collision. The larger part of the book consists of a selection of decided cases, including a collection of early insurance policies of much historical value. Several of the cases are of especial value to students of international law. Here is a payment of the Sound Dues by giving up part of the cargo (p. 39); and a restitution without salvage of a vessel recaptured from pirates after long use by them (p. 99), though in another case salvage was awarded (p. 87). In a remarkable petition the court was asked to enforce an oral judgment of the king of France by which the English petitioner was given the right to take by way of reprisal goods owned in Little Brittany; the king could not himself deal with the Breton wrongdoer because of rebellion in those parts (p. 140). The right to search a ship under convoy was denied in a later case, cited in the summary (p. lxxxvi), but outside the period covered by the printed cases.

JOSEPH H. BEALE, JR.

*What Gunpowder Plot Was.* By SAMUEL RAWSON GARDINER, D.C.L., LL.D. (London, New York, Bombay: Longmans, Green and Co. 1897. Pp. viii, 208.)

THE orthodox version of the Gunpowder Plot was formulated in 1857 by David Jardine. Since that time but little new evidence has been collected. A life of Everard Digby has been written, and Neut in 1876 and Father Pollen in 1888 have discussed Father Garnet's relation to the conspiracy. But in spite of this lack of new evidence we have now a reconsideration of the general question, in which Father Gerard in *What was the Gunpowder Plot?* brings a mass of negative criticism to bear upon the traditional story, and elicits a rejoinder from Professor Gardiner in *What Gunpowder Plot was.* It is not clear upon whom in this case the burden of proof will fall, both parties attempting to shift the responsibility under plea of the dangers of hypothetical reasoning.

In the old version of the story two problems were presented to the student, both of which were at bottom questions as to the character of the parties to the plot: who was the author of the Monteaule letter, Mrs. Abington, Anne Vaux, or Francis Tresham, and who were the authors of the plot, the conspirators, the Jesuits, or the government. We appear to be as far as ever from their solution. We have not gained much light from our discussions of the characters of the parties. Father Gerard and Professor Gardiner have therefore wisely turned our attention to the nature of the evidence—wisely, for until the work of Foley, Morris and Law has been supplemented by lives of Tresham, Garnet and Cecil, and the publication of the Stonyhurst MSS., the question as to the morals of the conspirators real or pretended can hardly be determined. We are now asked what does the evidence show relative to the government's previous knowledge of the plot, and what does it suggest regarding the government's implication in the plot. And here a general criticism may be made, that while Father Gerard argues the unreliability of a document because of the falsity of one item, Professor Gardiner would argue (p. 39) the reliability of the document from the truth of one item. Three classes of evidence are in question: (1) the letters, depositions, and memorials connected with the examinations and trials, now embodied in the Gunpowder Plot Book; (2) official publications before and after the trials, the King's Book, etc.; and (3) other contemporary accounts. The first source is of greatest value as to matters of fact, and it is therefore over this that the debate is warmest. Professor Gardiner draws particular attention to the examinations of Fawkes. He appears, however, to admit (p. 51) that the government did not obtain all its early information from this source, and his statement that it would have been impossible for Salisbury to falsify examinations of prisoners without the connivance of the Catholic commissioners (p. 75) seems most arbitrary. On the other hand, what is to be said of Jardine's claim that precisely those papers which constitute the most important evidence against Garnet and the other Jesuits are missing? As to the value of the second source, im-

portant in its bearing upon the motives of the government, all are agreed. The value of the third source appears to be underestimated. We should like to see, for example, a consideration of the statement that the conspirators took the title of the Assertors of Liberty, and of King James's assertion that a certain form of prayer was set down and used among English Catholics for the good success of that great errand, the conspiracy.

We must content ourselves with this general summary of the status of the question, and conclude by expressing our belief that Father Gerard has succeeded in placing the question upon a historical basis. It was proper for Coke and Jeffries to start their investigations with a hypothesis, but it will hardly do for historians, whatever the sanctions of the hypothesis. We are convinced also that it has been shown that the ends of the government were more than the simple ends of justice, and that although many objections have been successfully met by Professor Gardiner, in the main contention Father Gerard is right: we do not know the history of the plot, that is, we do not know all about it (Gerard 708), which is much of a platitude after all.

W. D. JOHNSTON.

*Histoire Générale du IV<sup>e</sup> Siècle à nos Jours.* Publiée sous la direction de MM. ERNEST LAVISSE et ALFRED RAMBAUD. Tome VII. Le XVIII<sup>e</sup> Siècle (1715-1788). (Paris: Armand Colin et Cie. 1896. Pp. 1051.)

*Periods of European History. Period VI. The Balance of Power, (1715-1789).* By ARTHUR HASSALL, M.A. (New York: The Macmillan Co. 1896. Pp. viii, 433.)

THE eighteenth century has suffered much at the hands of historians. Writers whose eyes are fixed upon the political and material progress of the nineteenth century have been wont to look at the great French Revolution as commencing the era of popular government in Europe and have never wearied in drawing a contrast between the more advanced and more general civilization of the present century, which is, after all, largely the result of modern inventions and improved means of communication, and that of its predecessor. To the political thinker the eighteenth century, with its absolute governments, its cynical statesmen, and its selfish wars, is only made tolerable by the rise towards its close of the spirit of popular liberty, made manifest in the American Revolution. To the economist, it is a century of hide-bound prejudice, retarding the growth of the world's prosperity. To the student of society, it is not even relieved by the writings of Rousseau and the work of Howard from being the period in which the line between classes was most distinctly drawn and when the rich and noble were most careless and contemptuous of the poor and humble. It is a truism among writers that the eighteenth century has all the characteristics, moral, material, and political, of a decaying age, in which old systems and old ideas which have ex-

hausted their vitality are passing away, leaving a world which could only be regenerated by national revolutions and international wars. But this judgment fails to take into consideration the fact that it was in the eighteenth century that the new ideas were born ; that it was in the eighteenth century that great rulers in Europe, sometimes kings and sometimes statesmen, tried to clear away the relics of an outgrown past by the abolition of serfdom and by other reforms ; and that it was in the eighteenth century, just when absolutist government was nearing its fall, that absolutism almost justified its existence during the power of the "Enlightened Despots." The two volumes which have suggested these remarks do not attempt to explain this much maligned eighteenth century ; they simply contain narratives of its events. If a fault could be found with them, it would perhaps be that they do not bring together in harmonious fashion the great current of reform which, extending from Russia to Portugal and from Sweden to Naples, is the most striking feature of the age that preceded the French Revolution.

Every student of history is already acquainted with the earlier volumes of the great *Histoire Générale* which a number of the leading French historians have for some years been publishing under the able editorship of MM. Lavissee and Rambaud. The volume on the eighteenth century is, like its predecessors, written on the co-operative plan, and the only pity is that it could not have been made still more widely co-operative. Without intending any reflections on the excellent scholars who have written the chapters on the American Revolution, on Frederick the Great and on the England of Walpole, Pitt and George III., it must be said that it would have been more satisfactory if such chapters had been the work of American, German and English scholars. It would have been possible for such chapters to have been translated into French and for the widest circulation to have thus been given to them. As it is, the volume has necessarily a French flavor. To this the less exception can be made since the part played by different countries in the entangled politics of eighteenth-century Europe is treated with absolute fairness. The point of view, however, remains French. One reflection that arises from carefully reading the volume is the large amount of space given to Russia and to the development of Russia's part in Continental affairs. A few years ago, certainly, much smaller space would have been devoted to Russian history in a work of this description. Then European scholars were in a blissful state of ignorance with regard to Russian history and were content to take their estimate of Russian affairs from the flimsy memoirs of western adventurers, who had seen something of the strange courts of the three Russian empresses whose reigns cover the greater part of the eighteenth century. But France has in these latter days made herself the interpreter of Russian history, as previously of Russian literature, to the rest of the civilized world. MM. Rambaud, Pingaud and Vandal, to mention three of the most learned contributors to the present volume, have all made their reputation as historians by studies in Russian history. Their excellent acquaintance with Rus-

sian primary and secondary authorities is shown not only in their narratives but also in the learned bibliographies they have appended to their respective chapters. The excellence of the work done by the Russian government in the publication of historical sources, and by the modern school of Russian historians is not generally known upon this side of the Atlantic Ocean; but it may be safely asserted that, for the future, any student or teacher of European history who intends to deal with recent centuries, should add to his equipment of French and German a competent knowledge of the Russian language. Without this aid, he has to depend entirely on French and German secondary writers and he may well fear that the partiality of the one nation, or the antipathy of the other, may falsely interpret the true course of Russian history. It is not too much to say, that the light thrown upon Russian policy by recent writers has entirely modified the old view of regarding Russian history as of no importance, because of the difficulty of learning the Russian language. One important side of the eighteenth-century history deals with the Eastern question in its Swedish, Polish and Turkish phases, and these cannot be studied without a grasp of Russian history. Mr. A. C. Coolidge a year ago made in the pages of this REVIEW a plea for the study of the history of Northern Europe, which, if it needed support, might well find it in the elaborate bibliographies of Russian documents, secondary histories and articles in periodicals contained on pp. 259, 425-428, 515-521. It may be well to draw attention to a few special chapters and to one or two special points after dwelling upon this more general theme. The chapter on the American War of Independence is contributed by M. A. Moireau, and fills more than forty pages. M. Moireau has made a special study of the history of the United States, on which he published the first two volumes of a projected work in 1892. His account of events is necessarily very brief and naturally brings into prominence the part played by France, but it is admirably lucid and his bibliography shows a knowledge of the historical literature on the period. As much perhaps cannot be said for the forty pages upon England under the first three Georges, contributed by M. E. Sayous, who, indeed, writes with eminent fairness, just proportion and sound knowledge, but whose acquaintance with authorities, as shown in his bibliography, is not very extended. As might be expected, the chapters on France are more ample and more thorough, and special attention may be drawn to the brilliant little chapter on the economic condition of France from 1720 to 1788 by M. Levasseur. The chapter on Germany by M. Blondel and the chapters on Italy and Spain by M. Orsi are perhaps too brief to be in proper proportion, but as far as they go they are excellent. The chapters describing the great European wars of the eighteenth century precede the special chapters on different countries and are written by such recognized authorities as M. Vandal, M. Pingaud and M. Vast. But the most valuable part of the volume to the student of modern European history will be without doubt, as has already been implied, the two excellent chapters on Russia covering nearly 150 pages contributed by the distinguished editor, M. Alfred Rambaud.



It is inevitable that English names should be misspelt by French printers. The care of the editors has made these misprints fewer and less ludicrous than usual, but M. Moireau has thrice let *Abercombrie* escape him on p. 530; Chatham appears once, but only once, without his last *h* (p. 258); *Stairs* appears for *Stair*; Sir Joshua Reynolds twice appears as *Sir Josuah* (p. 797); and most extraordinary of all, as showing whence the author must have got his information on English architecture, the Radcliffe Library at Oxford is represented as the *Radcliff Bibliothek* (p. 796) in the article on Art in Europe by M. André Michel.

Mr. Arthur Hassall's little book does not, of course, pretend to give the same thoroughness of treatment to the period as the big volume of the *Histoire Générale*. It is strictly confined to international politics and gives of them the most convenient account, in a brief compass, that is accessible to students. Mr. Hassall is that one of the group of Oxford history tutors who designed the series of *Periods of European History* of which several volumes have now been published. He had to deal with a period of exceptional difficulty and his experience as a teacher shows itself both in what he inserts and in what he omits. The volume is intended, like the rest of the series, for a humble but useful purpose, namely, to give university students of history a first idea of a period which they are afterwards to study more minutely, to be a guide, in short, rather than a text-book or a treatise. It is in all respects the best book of its kind and on its period in the English language, but it should not be regarded as a definitive book, but rather as a basis for further study. It may be noted in conclusion, to touch on a minor point of difference, that Mr. Hassall seems to have a much higher opinion of Choiseul as a statesman than M. Rambaud, who is inclined to place the idol of former French historians of the eighteenth century upon a very low pedestal indeed.

H. MORSE STEPHENS.

*L'État et les Églises en Prusse sous Frédéric-Guillaume I<sup>er</sup>, 1713-1740.* By GEORGES PARISSET. (Paris: Armand Colin et Cie. 1897. Pp. xx, 989.)

THAT such an elaborate study of a single epoch of Prussian history should be undertaken by a French scholar for French readers is as surprising as it is pleasing. M. Pariset has not only chosen a theme which is entirely German, but he has treated it with a minuteness and exhaustiveness thoroughly German. Indeed his book gives evidence that he has almost out-Germaned the Germans in their own particular field. After many years of patient and laborious investigation, during which he has consulted almost every possible source, even the most obscure and local, he has given us a work which, so far as information at least is concerned, leaves little to be desired. The title would seem to indicate that the book is devoted to an investigation of the ecclesiastical institutions of Prussia under the second king; as a matter of fact the study is more than



ecclesiastical and more than Prussian in scope. It is an examination of the inner life of Protestantism in the first half of the eighteenth century, and equally of the workings of that type of eighteenth-century absolutism in government which prevailed under Frederick William I. and Frederick the Great.

Beginning in Book I. with the relation of church and state in Prussia, the author proceeds in the remaining five books to discuss the constitution of the church, the social position of the church, the social work of the church, religious life in Prussia, and the dissidents and foreigners. In the division and grouping of subjects he shows judgment and discrimination, although one is slightly surprised to see such heterogeneous matters as the "White Lady of the Hohenzollerns," the Wolf controversy and the work of Thomasius under one general heading.

The church in Prussia had, after the Reformation, become a constituent part of the state. M. Pariset examines with critical thoroughness the origin and significance of the *jus episcopale* with its application to the Prussian church, and then passes directly from the question of the historical and theoretical basis of church government to an examination of the religious beliefs of Frederick William I. This is a more logical step than might, at first thought, be supposed. The king's peculiar character and ideas rendered it inevitable that during his reign the state's action in ecclesiastical affairs should extend to matters of doctrine as well as of mere administration. As in the realms of politics and education he was never able to discriminate between the mere machinery and the idea, so in religion he was unable to conceive of things which the civil power could not regulate and control. Former Prussian sovereigns had, in fact, been accustomed to exercise a careful oversight in matters of doctrine. By the eighteenth century the royal authority over the church had become "a sort of mixed power, half administrative, half confessional—administrative in law and fact, confessional in fact if not in law" (p. 49). The king "himself dictated to his subjects a rule of conduct which, although presented under the title of 'true Christianity,' emanated in reality as much from the state as from the church" (p. 50).

When M. Pariset ventures to indulge in generalizations, as he frequently does, the result is less fortunate than when he confines himself to actual research. This is illustrated in his treatment of popular beliefs (Book V, Ch. II). He finds German Protestantism very poor in popular beliefs, and declares that this is a "poverty which the intellectual simplicity of the masses made all the more perceptible." So far as legends and traditions actually connected with religion are concerned this is probably true, but even his own pages show how abundant was the mass of credulity and how vivid the imagination in the matter of folk-tales and of those superstitions that lie on the borderland of religion and common life. It is true that the influence of the *Aufklärung* movement was already beginning to be felt, but up to the middle of the century the hold of the old beliefs was still strong. Frederick William possessed not a trace of that cynical scepticism which characterized his successor, and had no dis-

position to bring about a saner attitude towards outworn superstitions. His edicts against magic and sorcery furnish a striking proof of this. M. Pariset also relates, as typical of his attitude towards popular credulity, the well-known story of a learned discussion on the reality of supernatural apparitions. This discussion was summarily terminated by the king's declaration that he had himself seen two such apparitions.

But the eighteenth century *Aufklärung* affected much besides popular superstition. M. Pariset has been at much pains to show that the general interest in theology was already declining. He has worked out a tabular statement of the books published in Germany between 1565 and 1840. The percentage of theological works in the last years of the seventeenth century, or in other words, in the period of least intellectual productiveness, reached the highest mark, while after about 1715 the proportion becomes rapidly less. In 1700, out of a total of 978 books, 430 were theological. In 1710, 589 out of 1368 were theological, while in 1740, only 436 out of 1326 were on theological subjects. In no later year of the century did the number of theological books reach 400, although the total number of books published had risen to 4012 in 1800.

Within the pale of the Prussian church our author finds that there were in the period 1713-1740, three theological parties, the right, comprising the rigidly orthodox Lutherans and the Pietists; the centre, including moderate Lutherans and Wolfians; and the left, where were grouped the followers of Thomasius, the Rationalists and the Free Masons. Frederick William, incapable of entering into the meaning of the theological subtleties, interfered in the struggles of these parties only when his personal whims and crude ideas of royal authority led him to identify bad theology with dangerous political sentiments. Against the doctrine of election his anger was especially strong, for such a doctrine seemed to him to infringe on the proper relation of subject to sovereign. Likewise he conceived that the teachings of Wolf were seditious, and instituted that memorable persecution which led to such important results. M. Pariset's chapter on the Wolf affair, in which the University of Halle and the work of Thomasius are also discussed, is to be commended as a most conscientious piece of historical work on a subject not adequately treated in the average history of this period.

Of the non-conforming sects the chief were the Socinians, Menonites, Moravian Brethren, Jews and Catholics. Toward all of these the king exercised a greater or less degree of toleration. Strong as was his antipathy to Catholicism he never departed from this policy of toleration except when making reprisals for the persecution of Protestants in Poland and the Palatinate. In following the policy of Prussia towards the Catholic church M. Pariset is treading on ground already made familiar by Max Lehmann in his *Preussen und die katholische Kirche*. In connection with the dissenting bodies the author discusses the Bohemian and Salzburg refugees. The fact that Frederick William utilized the expulsion of the Salzburg Protestants to secure valuable colonists for his waste lands has often been taken to prove that his motives were purely selfish.

The theory that he was, on the other hand, acting as the sincere champion and protector of Protestantism has found equally strong advocates. Between these views it is hard to decide, since, as M. Pariset points out, this would involve a knowledge of the inner workings of the mind of a king who certainly never clearly distinguished between interest and duty.

It would be difficult to imagine a more thorough and searching study of the institutions of the church, the relations of consistories, clergy and laity, the work of pastors, the church revenues, and the authority of the church as a part of the state machinery, than is here presented. If the author has read all the acts and decrees which he summarizes in the seventy-eight pages of an appendix, he is certainly entitled to speak with authority. This is but one of the many mechanical excellences of the work, some others being a well-arranged index and a thoroughly satisfactory table of contents. We have become so accustomed to the lack of these in French historical works that we are prepared to appreciate them when they do appear.

ULYSSES G. WEATHERLY.

*Life of Napoleon Bonaparte.* By WILLIAM MILLIGAN SLOANE, Ph.D., L.H.D., Professor of History in Princeton [Columbia] University. (New York: The Century Co. 1896, 1897. Four vols., pp. xvi, 283; xii, 283; xii, 270; xii, 313.)

DURING the last twenty-five years many Continental scholars have been concentrating their attention upon the period of the French Revolution, and upon the life and times of Napoleon Bonaparte; and by their researches, their publications of official documents, letters, memoirs and diplomatic correspondence, have rendered thrice antiquated any work written upon the subject before this exceptional historical activity began. So minute, however, has been the specialization, so detailed the research, so eager has the investigator been to analyze the motives of particular men or the nature of particular movements, that thus far there has been a woeeful neglect of the interests of the general reader, particularly him who gets his information from works in English only.

This is not surprising. The task of digesting and co-ordinating this great mass of material with regard to accuracy, conciseness and literary style, is one from which the majority of scholars might well shrink in dismay. For this reason no adequate life of Napoleon has hitherto been written. The only elaborate study, that of Lanfrey, which was begun thirty years ago, was left unfinished by the death of the author in 1877. Conceived as it was for the purpose of destroying the Napoleonic legend by a free use of the recently published Napoleonic correspondence, its spirit is hostile to the Emperor; and as it was written at a time when little attempt had been made to investigate scientifically the events of the Emperor's career, it is deficient in details. Some writers, like Barni, Seeley and Ropes, have produced only brief sketches; others, like O'Connor Morris and Baring-Gould, whose historical writings it is often

difficult to take seriously, have produced works with little pretence to scholarship ; and Fournier, the Austrian deputy, who has written a very able and interesting biography, which for breadth, accuracy and insight will long remain the best introduction to the subject, has written briefly and simply for popular instruction without any attempt at elaborate discussion.

Professor Sloane has, therefore, an admirable opportunity to write a life of Napoleon of reasonable length which shall be, as he has himself stated, a sober statement of facts and not a mass of attributed motives and fictitious details. He had approached the subject as a trained American scholar free from the prejudices of Continental and English students, ready to weigh the evidence, to discover the truth, and to present it clearly and intelligently. He has equipped himself with a thorough knowledge of the literature of the subject, and has made himself familiar with the scenes of the events he narrates, and with the characteristics of the nation with whom he has chiefly to deal. He has likewise a sense of the larger aspects of the subject and appreciates the relation of the career of Napoleon to general history. Aware of these qualifications of our author, we are prepared for work of a high order of merit ; and in this respect we are not disappointed. Professor Sloane has given us a history that is both accurate and scholarly ; he has pictured familiar phases of Napoleon's career with freshness and vigor ; he has portrayed with discrimination and skill many sides of Napoleon's activity and character hitherto little known ; while to his work as a whole he has given due balance, and has preserved a good proportion in the space allotted to the various parts of his subject. From the point of view of accuracy, fairness and completeness, he has produced a biography of Napoleon that is far superior to any of the more elaborate works that have appeared from Jomini to Lanfrey.

The opening chapters, which treat of Napoleon's boyhood and youth, are by reason of the very obscurity which has hitherto hung over this period of Napoleon's life, the most valuable portion of the work. By piecing together with very considerable skill the evidence of all kinds that has been gathered, notably by Böhlingk and Jung, Professor Sloane has succeeded in giving an orderly account of a remarkable period in a great career. He shows the solitude of boyhood and the unshaped ambitions of youth ; the friendships "not with social equals whom he despised, but with the lowly whom he understood." He discusses Napoleon's career as a Corsican Jacobin, his neglect of his profession as a soldier, his failure as an author and politician. He shows that the youth, unscrupulous, and apparently without principle, embittered by his experiences, and already "a citizen of the world and a man without a country," because "Corsica repelled him and France never adopted him," was during these years passing through a period of self-education and self-discipline which developed his natural abilities and prepared him for his future work. And he leads us forward to the transformation of the man after Toulon, when his "shiftiness" and recklessness gave place to a concentration of purpose, which culminated four years afterward in the exhibi-

tion of military genius that established his reputation in France, and made permanent his military fame.

From this point Professor Sloane presents Napoleon to us in three aspects: as general, as diplomat, and as statesman. Decidedly the weakest and least satisfactory part of this presentation is his study of Napoleon's diplomacy; in his recital of battles, though he fails signally in the description of Trafalgar, he is more successful; while he is almost without exception admirable in his account of the reformation and reorganization of France. The chapters which give Professor Sloane at his best are those which treat of Napoleon as First Consul, when in 1799 and 1800 he restored to France order, credit, and peace (II., Chap. XII), and in 1801 reformed the social condition of the country, codified the law, and encouraged letters, industry, the arts, and public works (II., Chaps. XIX, XX); and when, as Emperor of the West after Tilsit, he strove to make the prosperity of France commensurate with his own greatness, and, throwing off the mask of republican forms, established a new feudal hierarchy (III., Chaps. VII, VIII). Our author's version of the expedition to Egypt, the erection of the Confederation of the Rhine, the treatment of Prussia after Jena, the national uprising in Spain and Prussia, the meeting of Alexander and Napoleon at Erfurt, and the Emperor's abdication, is vivid, realistic, and at times brilliant.

In the main Professor Sloane preserves an attitude of strict impartiality, making no effort to pass final judgment except in estimating without prejudice what Napoleon did for others or against them, leaving his sins against himself "to be told as an awful warning and then to be left for the Great Tribunal." But in his analysis of the causes which after 1813 led to the downfall of the Emperor are certain conclusions to which exception may be taken. Professor Sloane justly lays stress upon the Emperor's decline as a strategist. "Great as Napoleon was," he says, "he was supremely great as a strategist. . . . As to conception and tactics there never was a failure—the year 1814 is the wonder year of his theoretical genius; but after Dresden there is continuous failure in the practical combination of concept and means, in other words, of strategic mastery" (IV. 62). Then, too, he lays exceptional stress upon the decline of the Emperor's health. He says that as early as the opening of the Russian campaign "the gradual change which had been going on in Napoleon's physique was complete. He was now plethoric and slow in all his movements. Occasionally there were exhibitions of quickened sensibilities which have been interpreted as symptoms of an irregular epilepsy; but in general his senses like his expression were dull. He had premonitions of a painful disease (dysuria) which soon developed fully. His lassitude was noticeable and when he roused himself it was often for trivialities" (III. 252). The progress of this disease Professor Sloane follows most interestingly until after Waterloo, when Napoleon rode away "with his eyes set, his frame collapsed, his great head rolling from side to side." The impression left on the reader's mind is that Napoleon's downfall was due to physical disability and de-

cline in generalship, and that had he retained the powers of his earlier years he would have saved himself from ruin. This conclusion is borne out by the following: "Napoleon's pre-eminence lasted just as long as this effective personal supremacy continued. When his faculties ceased to perform their continuous, unceasing task he began to decline. Ruin was the consequence of feebleness" (IV. 232).

In this account Professor Sloane has neglected the pre-eminent cause for Napoleon's downfall—the union of Europe against him. The whole bearing of our author's discussion from the close of the Moscow campaign is to magnify the importance of the decline of Napoleon's strategical and physical strength, and to minimize the importance of a growing unity among the allies. From this time he is a defender of Napoleon. He presents him as a guileless man caught in the trap of the Austrian marriage, as a man sincere in his professions of peace, a protector of nationality, never blameworthy, only mistaken or self-deceived. For the allies, the monarchs Francis, Alexander and Frederick William, for all connected with the Emperor's overthrow, he has no words of praise; all, he says, were selfish, seeking merely their dynastic interests, constantly blundering, desiring the downfall of Napoleon only that they might restore absolutism. It seems hardly in place for the biographer, who has presented Bonaparte's treatment of Venice in terms rather of admiration for his daring than of condemnation for his duplicity, to score the allies at this period for broken treaties, selfish double-dealing, and disregard of national movements; or to denounce them for doubting Napoleon's sincerity or hesitating to conclude a peace which would leave him master in half of Europe; or to imply that, in declaring Napoleon an outlaw after his return from Elba, they were guilty of an outrage upon humanity. Professor Sloane seems in no way affected by Napoleon's own absolutism, selfishness, and dynastic interests, by his offences against Europe, and his disregard of the rights of states or of the rights of a nation. He does not credit the allies with a sincerity in their belief that only by the overthrow of the Emperor might peace come to Europe; he interprets their conduct in the light of the Holy Alliance, and so reads his history backwards. In these chapters Professor Sloane is pleading as a national liberal against dynastic absolutism, and in this instance has ceased to be impartial.

Thus far we have examined this work as a scholarly production without special claims to popularity; but the fact that it has been issued in popular form as a work for the reading public demands a further examination of its treatment, style, and setting.

As regards treatment, Professor Sloane is stronger in his powers of description than in his powers of analysis. He is much more successful in his account of striking scenes, of important institutions, of great social changes, where the object described has a certain natural simplicity and organic unity, than in his account of situations which by virtue of many actors and many policies are naturally complicated. In his study of the Continental System, of the diplomacy preceding the treaty of Tilsit, of



that preceding the Austrian uprising of 1809, and above all else in his study of the negotiations leading up to the formation of the Fourth Coalition (1813), he is confusing, obscure and difficult to follow. At times we fear that the reader will find himself hopelessly entangled in a labyrinth of fact and statement with no clue to the way of escape. This is due partly to bad transitions, in which there is no regard for the principle of causal connection of ideas; partly to a lack of those larger generalizations, summaries, *résumés* and suggestive comments which throw light upon a period and make it intelligible to the general reader. It is more than likely, however, that the reading public would not be troubled by such omissions if only Professor Sloane had made his work more interesting by putting more color and more romance into his pages; but of color there is little, of romance none, all is sober statement of fact. The pity of it is that the general reader will be tempted to turn from this truly admirable work, and if he does not go back to his Hazlitt or John S. C. Abbott, will doubtless take up the interesting but superficial biography of Baring-Gould.

These defects of treatment are made rather more noticeable by a style, which though often polished and forcible, is nevertheless lacking in charm and simplicity. It is hard and artificial, possessing little to tempt or allure, often giving up its meaning only after a second reading; erring in the use of metaphors that are so realistic as seriously to disturb the continuity of thought; and in the use of words that are unnecessarily ponderous and obscure. Professor Sloane's vocabulary ranges from such colloquialisms as "slack joints," "huckstering," "pull through with a whole skin," "hoodwink," "ingredients of a queer hodgepodge," "making a mess," "plumply," "flabby," "puffy," "blabbed," "nick of time," and the like, to such words as "symptomatic," "riposte," "ichor," "amorphous," "atrophy," "velleities" and such combinations as "interstitial sentimentality," "ubiquitous enthusiasm," "occasional divagations," "superserviceable Mephistopheles," and to such phrases as "a people sowed with a cruel and bloody past," "a case-hardened population," "a pregnant step," "a solid foundation of a permanent organic life," etc. Such a style as this can never become popular.

The reader may well ask why such a work, possessing so few claims to popularity, so many claims upon the attention of the serious student, has been issued in a form so elaborate and expensive as to keep it out of the hands of those who would chiefly desire it. Four large heavy volumes, sumptuously bound in red and green, printed on heavy paper in an *édition de luxe* type, and filled with nearly three hundred illustrations, more than half of which are purely imaginative, form a strange setting for a work of scholarship. To those most likely to buy it the work will be chiefly attractive as a portfolio of paintings. Between text and illustrations there is little or no connection. Some of the illustrations face the proper page, the majority do not, and a few unfortunate pictures are fifty pages more or less away from the place where they rightly belong.



Some of them are not referred to in the text at all. At least in one instance text and illustration differ, in two instances the text declares the subject of the illustration to be half fabulous. The sin against the historical sense is considerably increased by the fact that many of the illustrations were made to order by artists employed by the publishers.

But the chief grievance of the student is the omission of footnotes and references, due to the wishes of the publishers, "in deference," as Professor Sloane confesses, "to what seems to be the present taste of the reading public." In a life of Napoleon that claims to be in part based on original investigation by the author and for the remaining part on the results of the most recent research, this omission is unpardonable. Nor is the bibliography at the end of the fourth volume a recompense; for such a general bibliography in a work of this kind is not of the slightest use to the reading public, and its alphabetical arrangement injures its value for students. A bibliography of the life and times of Napoleon that is not arranged by periods or subjects, with critical comments and explanations, is no better than a section of a card-catalogue. Professor Sloane might well have taken Fournier for his model, and in giving to his bibliography a scientific arrangement have made up to students in some degree for the sins of his publishers.

CHARLES M. ANDREWS.

*Souvenirs d'un Historien de Napoléon. Mémorial de J. de Norvins*, publié avec un avertissement et des notes par L. DE LANZAC DE LABORIE, (1768-1810). (Paris: E. Plon, Nourrit et Cie. 1896, 1897. Three vols., pp. xxxvi, 436; 418; 356.)

THERE have been many writers whose fame is assured not by the books written for publication on which they based their claims to the recognition of their contemporaries and of posterity, but by comparatively careless reminiscences composed in old age telling of the things that they had seen and the deeds that they had done. Norvins is one of these. Though a voluminous author in his time and one who wrote well on many subjects, his literary fame has long passed away. His *Histoire de Napoléon* was an immensely successful book in its day and is said to have passed through twenty-two editions within a few years after its publication. But it is now relegated to the category of books which lie on the stall of the open-air second-hand book-seller on the *quais* of Paris and which only the indiscriminating book-buyer dares to purchase. And in truth, it deserves its fate. Written as it was by an ardent admirer of Napoleon, without any historical sense or historical training, it never had any value as a history, but served rather to fan the growing wave of Napoleon-worship which eventually placed the nephew of the great emperor upon the throne of France as the inheritor of the glories of the Napoleonic legend. A certain grace of style which Norvins undoubtedly possessed made the book readable at the time of its publication, but now that the perspective of time has placed the career of Napoleon in a different

light, while new sources of authority are being constantly made accessible, the old-fashioned, indiscriminate eulogy has fallen into general disrepute. The other works of Norvins never had more than an ephemeral interest, and his place among French writers of the nineteenth century would have been low indeed had not the publication of these memoirs half a century after his death given him rank with the most delightful of French memoir-writers.

The French nation excels all others in the perfection of the autobiographical literature which forms so important a characteristic of its literary production. The perennial interest of French history lies largely in the fact of the adaptability of the people or of the language for personal reminiscence. Every period in it is illustrated by a wealth of memoirs. While other countries have, indeed, plenty of documentary material from which their history can be studied, for no country but France does there exist an equal amount of readable personal recollections. It is within the last few years that there have been issuing from the press of Paris numerous memoirs of the great Revolution and of the First Empire which prove that that period is to be as clearly interpreted by eye-witnesses for future generations as the seventeenth century is by the memoirs of Cardinal de Retz, Madame de Motteville and the Duc de Saint-Simon. Foremost among these memoirs stand those of Marbot and Thiébault, and to them must now be added the *Mémorial* of Norvins.

The first striking point of these memoirs is the air and tone of good society which pervades them. It is not surprising to hear that Norvins was in his day considered one of the most charming conversationalists in Paris. Anecdote follows anecdote with easy grace, descriptions of individuals are touched off with happy phrases that make the subjects of them live again, and the rules of good-breeding are never broken. Part of the charm of Norvins lies in his amiability; he is never malignant even towards those who injured him, and relates his own want of success in the career of life when friends with less reputation for wit and brains than himself were rising to high office, with a half-pitying laugh at his own misfortunes and an evident desire not to bore his readers over-much with the realities of his life. Ever moving in the best society, welcomed alike in the salons of the *ancien régime*, of the Consulate and of the Empire, Norvins met every one worth knowing during his time and retained a clear picture of them and their surroundings. Born in 1769, in the same year as the famous Corsican, who was to do so little for his advancement, of a wealthy family, which had held high official positions during the eighteenth century and had intermarried with many celebrated houses, Norvins had time to study the society of the old French monarchy at the eve of its dissolution. How charming that society was is known from other writers, but nowhere is it pictured with such kindly fidelity as in the memoirs of the young man who was permitted a brief glimpse of its felicity just before the Revolution dispersed that gracious society over all the countries of Europe. The picture of life at the Château of Brienne, for instance, is in its way a master-piece

of that most difficult art, the portraiture of society, and Norvins lingers lovingly over the recollections of his youth as a successful *débutant* in that most polished circle. When he was twenty years old, the States-General met and the age of the French Revolution succeeded that of the Bourbon monarchy. With ever-growing interest, the young man watched the rising of the storm which was to sweep the Bourbon monarchy and its high-bred society out of existence and he resigned his position as judge at the Châtelet after the condemnation of Favras under the threats of the mob. In 1791, like all young men of good breeding and with pretensions to good society, he left France to join the army of the émigrés under the command of the Prince de Condé. Norvins has left two pictures of the emigration, and whenever the history of the exiles who left France at the time of her distress comes to be written worthily, his pages must be largely used. His first experience was with the army of Condé or of the princes, as it is commonly called, and the fate of that ill-starred attempt of the young noblesse of France to aid in the subversion of the hopes of France, is vividly depicted. The second picture of the emigration deals with the life of those French émigrés who found an asylum in Switzerland. In some ways, the life there was not so striking as the life of the émigrés in England or in Germany, but Norvins saw revived again the society of Paris in the Swiss cantons. It was there too that he made the acquaintance of Madame de Staël, of whom he writes in as enthusiastic admiration as of her enemy Napoleon. Returning to Paris in 1797 before his name had been withdrawn from the list of the émigrés, his life was soon placed in the greatest peril. He was denounced to the authorities; his life was only spared owing to the interposition of Madame de Staël with the Directors; and he spent the two years from 1797 to the establishment of the Consulate in 1799 in the prison of La Force. Naturally he hailed with joy the *coup d'état* of 18 Brumaire and was ready to worship at the shrine of the Corsican general who had opened the doors of his prison. For a moment, under the Consulate, Norvins seemed likely to win place and power, but he recklessly threw his chances away and embarked for San Domingo with General Leclerc. Norvins survived the terrible catastrophe which destroyed Leclerc's army and did good service according to his own account, which is supported by authentic documents, in the French attempt to recover possession of its former West Indian colonial headquarters. Perhaps this portion of Norvins' memoirs is of the greatest historical value, for there are other accounts of the society of old France and of the emigration, but there exists no such vivid narration of the unfortunate San Domingo expedition as is contained in the last part of the second and in the first part of the third volumes of Norvins' *Mémorial*. The friend of Leclerc soon found that his services in San Domingo did not commend him to the favor of the First Consul, for as he himself says, Napoleon never liked to be reminded of a failure. Therefore, in desperation, after enjoying for some months the pleasures of the social life of Paris in which he shone, the brilliant wit at the age of eight and thirty suddenly enlisted in a *corps d'élite*,

which it was rumored the Emperor intended to organize into a noble body-guard after the fashion of the *ancien régime*. This gave Norvins an opportunity of seeing service with the Grande Armée and he describes, not indeed with the soldier-like enthusiasm of Marbot, but with the somewhat indifferent interest of an amateur, the campaign of Friedland in 1807. Since his brief taste of military life did not promise swifter promotion than his experience as a civilian, Norvins refused a commission in the army and entered the service of Napoleon's youngest brother Jerome, the king of Westphalia. The personalities of the little German court are brilliantly depicted, but the theatre was too small for the ambition of Norvins and he speedily abandoned Jerome in the hope of at last receiving a satisfactory place from Napoleon. In 1810, he was appointed director-general of the police of Rome, but the chapters of the *Mémorial* dealing with his sojourn there are, with the exception of a few pages dealing with Fouché's brief appearance in 1814, unfortunately lost. The *Mémorial* then terminates to all intents and purposes with the appointment of Norvins to his Roman post.

What, it may be asked, is the historical value of these reminiscences of M. de Norvins? It will be seen that he had plenty of opportunities of studying great men and witnessing great events. But he observed them not with the eye of a statesman or of a political philosopher; he throws no new light that can be relied on upon the actual framing of policy or the responsibility for measures; he was never enough on the inside to learn how the mainspring worked. But from the point of view of a well-bred man of the best society and of a keen observer of men and women, he has left a picture of unrivalled vivacity and brightness of many phases of bygone life. Norvins knew his world, the world of society, perfectly; no one was ever better fitted than he to judge of social politics, and it is as a kindly and witty gentleman that he writes of the experiences of his life. He does not give us indeed the life of the Grande Armée as Marbot has imperishably described it; but he gives us a different point of view of the same period, just as characteristically and typically French. A word of praise should be said for the excellent editing and admirable notes of M. de Lanza de Laborie, which greatly enhance the value of the most delightful book of memoirs which has appeared in France since the publication of the memoirs of the Baron de Marbot.

H. MORSE STEPHENS.

*Murat, Lieutenant de l'Empereur en Espagne* (1808), d'après sa Correspondance inédite et des Documents originaux. Par le Comte MURAT. (Paris: F. Plon, Nourrit et Cie. 1897. Pp. xi, 478.)

THIS volume is incontestably the most valuable contribution to the history of the First Empire which has been published during the last twelve months. Its value is due, not only to the careful analysis of docu-

ments and to the novelty of its point of view, but also to the sound historical method pursued by the writer. The very name of the author naturally gives rise to a suspicion of partiality; he frankly devotes himself to the task of clearing the reputation of his great-uncle; but he approaches his task with candor and modesty, gives a full account of his authorities and of the way in which the material he uses came into his hand, and makes his case effective not by rhetorical passages but by carefully illustrating his points with citations from the letters of Napoleon and of Murat. It is owing to the evidence he gives of knowledge and judgment, that impartial readers are likely to judge his pleading favorably, and if he can deal as effectively and moderately with the other test period of Murat's life as he has dealt with his hero's career in Spain, he will succeed in modifying the hitherto accepted verdict of history.

In a brief preface, the Comte Murat describes how it fell to his lot to write the volume which has just been published. No career is more striking in that epoch of striking careers which marks the transition of Europe from the old to the new under the leadership of France, than that of Joachim Murat. Europe was almost as startled to see the humble inn-keeper's son of southern France raised to a throne, as it was to see the elevation of a Corsican officer of artillery to a power unknown since the days of Charles the Great. There are several Murats as there are several Napoleons. Just as some modern students can see in Napoleon nothing but the great general and man of war, disregarding his extraordinary faculty for administration and the far-reaching sweep of his marvellous abilities, so there are many to whom Murat is but the brilliant cavalry leader. Murat as a statesman, Murat as an able and beneficent ruler, has never had justice done to him. The picture that rises actually to the mind at the mention of Murat's name is that of the *beau sabreur*, not that of the trusted lieutenant of the Emperor or that of the successful king of Naples. Of all Napoleon's brilliant *cortège*, Murat is the most famous and the least understood. That this should be so is easily explicable. The tragedy of his death at Pizzo in 1815 could not blot out the memory of his behavior in 1814 when he deserted the cause of the brother-in-law who had made him what he was, and appeared in arms against France in the moment of Napoleon's extremity. Hearty admirers of the great emperor, including the vast majority of his biographers, remembering Murat's desertion of their idol at the last, have colored their whole appreciation of his character and his career, by their knowledge of his final treachery. They admit him to have been a splendid cavalry leader, but regard him as bearing always in his heart the black sin of his final ingratitude.

But there were some few who knew Murat intimately and refused to bow to the verdict of history, which during many years of Napoleon-worship declared Murat incapable as well as treacherous. Foremost among the friends of Murat was a man who had sat on the benches of the village school with the little Joachim, and whom Murat, when he had become Joachim I., King of Naples, summoned to his side as one of his

ministers. This man, whose name was Agar, and who was later created Comte de Mosbourg, long survived his former friend, and intended from his own knowledge of Murat, with the assistance of the papers confided to him by Murat's widow, to write a defense of the king of Naples and especially an explanation of his action during those periods of his life which had been most severely criticised. The Comte de Mosbourg died in 1844 leaving his work unaccomplished, and bequeathed the notes he had made and the papers in his possession, including much of Murat's correspondence, to his son. The second Comte de Mosbourg, a distinguished French diplomatist, was also unable to find the leisure to carry out his father's ideas and it was at his death that the duty of defending Murat's memory fell to his great-nephew, the Comte Murat. The Comte de Mosbourg selected as the two most criticised episodes in Murat's career, his command in Spain in 1808 and his conduct in Italy in 1814. It is with the first of these episodes that the volume just published deals and it is to be hoped that in no long time the even more obscure period of Murat's desertion of his master may be examined in the same lucid manner. Before entering upon his task, the Comte Murat devotes between eighty and ninety pages to a brief sketch of Murat's career up to the time of his appointment to the command of the French troops in Spain. This sketch is not a full biography, but it contains many interesting letters illustrating Murat's early life and throwing light upon his character. His strong affection for his relatives, and particularly for his peasant mother, which is one of the most attractive features in his character, is neatly brought out without sickly exaggeration; his intense affection for his wife, the ambitious Caroline Bonaparte, is also artistically insisted upon; the sentimental side of the famous trooper's disposition, which Napoleon so well understood, is noted; and it comes as a little of a shock to those who might imagine the cavalry leader of Napoleon as a man of blood, to read his declaration to the Comte de Mosbourg, that he had never to his knowledge slain a man in battle. Especially important in this brief sketch is the proof given in the Comte de Mosbourg's own words, with a careful statement of the facts, that Murat was not an accomplice in the murder of the Duc d'Enghien (pp. 437-445).

But it is time to turn to the volume itself. Napoleon at St. Helena spoke of the war in the Peninsula as "that unfortunate war, the first cause of the misfortunes of France," and all historians have echoed the words of the Emperor. Worshippers of Napoleon, admirers of his genius, contemporaries who could not bear to attribute to the great man himself and to his policy the cause of his misfortunes, have ever sought to find other shoulders on which to place the blame of the Peninsular war. The fatal steps which led to it were so indubitably taken by Napoleon himself, that apologists for the Emperor have to admit his responsibility and the endeavor has therefore been made to show that it was not the Emperor's policy but the manner in which it was carried out that sowed the seeds of future disasters. And since it was Murat, the future traitor, who represented Napoleon in Spain during the critical months in 1808,



when the Spanish policy of Napoleon was worked out and the first symptoms appeared of national insurrection, Murat has had to bear the blame. It has been asserted that it was the intemperate conduct of the Emperor's lieutenant that outraged the Spanish people in his conduct towards King Charles IV., King Ferdinand VII. and Godoy, the Prince of the Peace ; that he acted from motives of personal ambition in the hope of receiving for himself the throne of Spain ; that he raised the flame of a national outbreak by his cruel suppression of the riot of May 2 in Madrid ; that he misinterpreted, if he did not directly disobey the Emperor's orders ; and that from the moment of his arrival in the country till he was smitten down by an illness caused by disappointed ambition, he failed to understand the temperament of the Spanish people and laid the ground for that bitter resentment towards France which led to the disasters of the Peninsular war. Most clearly has the Comte Murat proved the injustice of these accusations. Examining the doings of Murat in Spain, week by week and nearly day by day and hour by hour, he has proved that, in all he did, Murat was directly guided by Napoleon's instructions ; he has shown by full quotations from the Emperor's letters to his brother-in-law and from Murat's replies, how faithfully the orders of the former were carried out ; and that instead of causing trouble by making an intemperate use of his position as commander of the French troops, he did not go as far as the Emperor expected or desired in the repression of Spanish opposition to France. It was the Emperor who adopted an aggressive, and Murat a conciliatory, attitude towards the Spanish people ; it was the Emperor who dictated every step taken towards the bringing of the Spanish royal family to Bayonne ; it was the Emperor who misunderstood the probable effect of his proceedings upon the spirit of a proud and haughty race ; and it was Murat who, though left in the dark with regard to Napoleon's intentions, managed through many critical weeks to maintain the peace in Spain. The commonly held view of Murat's behavior has been largely based by historians upon a dispatch supposed to have been sent to him by the Emperor, dated March 29, 1808. This letter was first printed in Las Cases's *Mémoires de Sainte-Hélène* and has been accepted as authentic ever since. The editors of the great collection of Napoleon's *Correspondance* admitted that they could find no trace of the letter but assumed its authenticity and printed it in a foot-note. M. Thiers seeing the difficulty propounded a theory that the letter was written but never sent. Other writers, both contemporary and modern, have accepted the letter as genuine and founded upon it their conclusions that Murat did not faithfully carry out the Emperor's orders. Savary, Duc de Rovigo, and other contemporaries, who could not forgive Murat for his desertion of Napoleon's cause in 1814, caused their recollections of the time to fit in with Napoleon's supposed letter, thus building up a fabric of contemporary evidence which has deceived later historians. Now the Comte Murat has proved this letter to be spurious. It would take too long here to repeat his arguments, but they are conclusive. He does not pretend to explain how Las Cases came to print this supposed



despatch, but that is of minor importance, for it must be remembered that Las Cases, like all the faithful adherents of the fallen Emperor, hated Murat as a traitor and that this frame of mind made him ready to accept any proof that might clear the Emperor of the charge of want of foresight. Excluding this famous letter from consideration, it clearly appears that Murat faithfully carried out the Emperor's orders, and indeed, that he understood the condition of things in Spain better than his master. It may be said that he hoped the throne of Spain might be his reward for faithful service, but that expectation, even if he had it, which in the light of his letters seems improbable, did not make him the less zealous to prepare as far as was in his power for the peaceful accession of Joseph Bonaparte.

Las Cases reports that Napoleon in speaking at St. Helena on the Spanish war said on one occasion: "Murat bungled all this business for me." The merit of the Comte Murat's book is that he has proved, to quote his own words, that it was not Murat that bungled, and in proving this he has made a contribution of real value to our knowledge of a most important period in the history of the First Empire.

H. MORSE STEPHENS.

*The Fifteenth and Sixteenth Annual Reports of the Bureau of Ethnology.* By J. W. POWELL, Director. (Washington: Government Printing Office. 1897. Pp. cxxi, 336; cxix, 326.)

THESE two large volumes are presented with the fulness of illustration and excellent type of manufacture which characterized heretofore the series. Each begins with a general account of the work by the Director, which is followed by the reports of members of the Bureau.

In the Fifteenth Report the leading article is one by Professor William H. Holmes on the Stone Implements of the Potomac and Chesapeake Tide-water Regions. It is, as we should naturally expect from his pen, a thorough piece of work. It reviews the manufacture of flint stone implements from the most noteworthy sites in that region, especially those on what is known as Piny Branch, which is in the District of Columbia and which has for years engaged the attention of antiquaries. The three classes into which he divides the subject are flaked, battered and abraded stone implements, and those formed by incising or cutting. It is familiar to archaeologists that the ruder implements from this region have, by various writers, been attributed to some ancient population long preceding the Indians encountered there by the first settlers, and going back, indeed, to palaeolithic man. There is to-day in Washington a collection from this province so labeled. This opinion does not find any support in Professor Holmes's elaborate article. Whether we regard the geological materials, the conditions of the arts, or the position of the sites themselves where the rudest stone implements have been found, they all in his opinion indicate the period and the workmanship of the Indian such as we know him by history. None of them exhibits any feature

which requires us to assume a people or a civilization other than those found occupying the region at the time of the discovery.

Following this is a posthumous paper by James Owen Dorsey on the Sociology of the Siouan Stock of the North American Indians. His well-known intimate acquaintance with this stock gives the paper an authority which no other author could equal. It describes the general features of their organization, their social customs, gentile divisions and plans of camping. An introduction to the paper, by W J McGee, gives the extent of the stock, its nomenclature and arts. The especial value of these papers is increased by the recently discovered wide distribution of this stock in early times. Important branches of it existed on the Atlantic sea-board and on the shores of the Gulf of Mexico, although its best known members lived far to the north, on the upper streams of the Mississippi. The Siouan stock, as presented in these two studies, furnishes a good example of the organization of primitive families into clans, and shows how they were united into tribes and the tribes again into confederacies, the whole structure being erected on the basis of real or theoretical kinship.

The next paper in this volume is by J. Walter Fewkes. It bears the title, "Tusayan Katsinas," which we find on examining the text means a class of imagined supernatural beings of a secondary order, worshipped by the Indians of the village of Moqui, who were also called Tusayans. These deities are represented in the ceremonies by men wearing masks or by small images which are carried about. To each such being belongs a cycle of legends in the current mythology of the tribe which explain his characteristic. They are connected with the ritual calendar and the ceremonies which it prescribes for the various seasons of the year. Mr. Fewkes has with great care investigated how the time for such ceremonies is fixed, how they are classified, and, as far as possible, the signification of the symbols introduced. In this manner he carries us through the ceremonial year, furnishing accurate descriptions of the rites and to some extent of the sacred formulas which are pronounced. At the close of his paper he compares these ritual dances with those described by other observers in neighboring pueblos. The result reached is that there appears to have been a uniform ancient ritual in all the pueblos examined, which no one of them has retained in its original purity.

The volume closes with a report by Mr. Cosmos Mindeleff on the Repairs of the Casa Grande Ruin undertaken in 1891; a work which it is to be hoped will be continued and completed.

Passing now to the Sixteenth Annual Report we have as the first paper one on Primitive Trephining in Peru by Manuel Antonio Muñiz and W J McGee. The collection of skulls on which it is based was shown in this country first at the Columbian Exposition at Chicago, where they excited much attention. The habit of boring or scratching through the living cranium was one quite frequent in various parts of the world among savage tribes. They were also accustomed to cut out fragments from the skull of the dead and wear them as talismans or amulets. All continents

supply examples of this nature. The extent to which the custom was carried in Peru was unusual, as many as two per cent. of the skulls in some cemeteries showing traces of the operation. In the majority of them it was performed during life, and many of the patients survived for years this rude surgical attempt. The study by the two writers above named sets forth the details of the procedure with fulness and considers at length the purposes for which it was performed. They conclude that it was magical rather than surgical in its intention, designed perhaps to give escape to the evil spirit of disease, or the imagined foreign body which prevented the patient's regaining his health. It formed part of the thaumaturgic treatment of the medicine men or native shamans. This conclusion will recommend itself to most who have examined the theories of primitive therapeutics.

Following this, there is a carefully studied article by Cosmos Mindeleff on the Ruins of the Cañon De Chelly in Arizona. He surveyed and excavated these ruins thoroughly, and his illustrations are accurate and ample. The group itself does not offer any peculiarity distinguishing it from the general class of pueblo ruins. He is inclined to the belief that all this architecture—which he pronounces to be of a very low class, hardly deserving to be called architecture as an art—is of local origin, and a growth of the demands of the environment in which it is found. The tribes who dwelt in these rude structures were sometimes akin in language and blood to the wild Indians of the plains north of them. There seems to have been little or no progress in the technical procedure; and we find about the same skill, or lack of skill, displayed in the most recent as in the oldest houses. As to the antiquity of pueblo building, their great number at first induces one to believe that it was vast; but this again is explained by the instability of the population, constantly driven from place to place by warring enemies. The general tenor of Mr. Mindeleff's conclusion is to diminish the value of the pueblo culture in American archaeology.

The title of the next following paper is "The Day Symbols of the Mayan Year," by Professor Cyrus Thomas. It is well known that the same religious calendar prevailed throughout southern Mexico and portions of Central America, based on a recurrent series of twenty days. Each one of these days had a name, by which it was mentioned in the religious rituals and the time-counts. Professor Thomas gives these names in five languages, and undertakes to explain their meaning and the relation in which they stood to the figures or hieroglyphs which the Mayas of Central America employed to designate the days. While rejecting many of the suggestions of earlier writers, he concedes in a general way that most of the names for each day in all five languages express allied ideas. In several passages he appears inclined to introduce the theory peculiarly his own that this calendar was derived from that of the Polynesians. Apart from this eccentricity, and the tendency to seek extreme phonetic meanings of some of the glyphs, the treatise is one meriting high commendation. It presents in a compendious manner to the reader the result of all the researches up to the present day on this central question.

of the strange and intricate Mexican and Central American calendar systems.

The Report closes with a paper on Tusayan Snake Ceremonies by Jesse Walter Fewkes. It is amply illustrated and presents such an accurate and faithful delineation of ritual as we are accustomed to find in the writings of this careful student. He has some concluding remarks on the secret meaning of these ceremonies, and compares them with the snake dances of other American tribes.

In concluding this hasty survey of these two large volumes, we are impressed with the general excellence of the papers they enclose. They compare advantageously with any publication of a similar character in Europe. They are free from wild theorizing or fixed prejudices, and they present the result of original observation and careful independent study. All who are interested in the subjects which they discuss will earnestly hope that our central government will continue to appropriate generously to the support of the Bureau of Ethnology.

D. G. BRINTON.

*The Coronado Expedition, 1540-1542.* By GEORGE PARKER WINSHIP. [Extract from the Fourteenth Annual Report of the Bureau of Ethnology.] (Washington: Government Printing Office. 1896 [1897.] Pp. 329-613, pls. xxxviii-lxxxiv.)

THERE has recently been brought to completion at the national capital the most beautiful structure on the American continent designed as a repository for books. The mural decorations of the Library of Congress are a marvel of beauty, and among them are emblazoned the names of many of the makers of American history and culture. Among the earlier explorers the names of Columbus, Vespucci, Balboa, Magellan, Narvaez, Cabeza de Vaca, De Soto, Ayllon, Cabrillo, Cortez, Pizarro, La Salle, Marquette, Cabot, Champlain and others of lesser note are prominently represented; but one looks in vain for the name of the leader of the most pretentious expedition that ever trod American soil—an expedition which led to the discovery of the Grand Canyon of the Colorado, the Rio Grande, and the great plains with their teeming herds of bison, and which conquered the even then far-famed "Seven Cities of Cibola."

It is somewhat strange that so little has apparently been known of Francisco Vasquez de Coronado, for one of his letters, as well as the narrative of the contemporaneous voyage of the fleet under Alarcon up the Gulf of California and the mouth of the Rio Colorado, appears in Hakluyt's *Voyages*, while Ramusio, Herrera and other chroniclers of the sixteenth and seventeenth centuries recorded the same and other documents bearing on the expedition, thus giving comparatively ready access to at least a part of the history of Coronado's marvelous undertaking. That which makes the lack of general knowledge of the expedition even more strange is the fact that the principal narrative of the expedition was translated from the Spanish into French and published as late as 1838

by Henri Ternaux-Compans in his well-known *Voyages, Relations et Mémoires*. This is the *relacion* of Pedro de Castañeda de Najera, who followed the fortunes, or rather the misfortunes, of the expedition evidently in the capacity of a private soldier. Within the last decade the excellent historical work of Bandelier has added a vast amount of information to the previously meagre knowledge of the Coronado explorations.

From the importance of the Coronado expedition, which opened the way to the subsequent colonization of the unknown territory between Culiacan in western central Mexico and the great plains of eastern New Mexico, Texas, Oklahoma and Kansas, Mr. Winship's memoir, which is by far the most exhaustive and most readily accessible account of the journey, is a genuine contribution to western American history.

The first part of the work comprises an historical introduction which gives in elaborate detail the causes of the expedition. The condition of affairs in New Spain during the early half of the sixteenth century, the remarkable wanderings of Cabeza de Vaca and his companions, and the journey of Friar Marcos de Niza to Cibola which resulted in the discovery of Arizona and the death of the negro Estevan at Zúñi, are all carefully described. A summary of the organization and equipment of the Coronado expedition is next given, and the fortunes of the explorer are faithfully followed from the time the great army started on its journey to an unknown part of a little known world, until their return, two years later, to the city of Mexico. The text is illustrated with elaborate notes—bibliographic, ethnologic and historical—giving greater value to an already highly valuable and delightful introduction. And yet to the critical student that which follows is the most valuable of all; not alone because these chronicles of Coronado's enterprise are brought together in convenient form from many obscure sources (one of them indeed not hitherto having been published), but also because the copies have been so carefully made and translated with such fidelity.

The first document is the narrative of Castañeda, the most important because the most detailed of all. The original manuscript, or more properly a copy of the original made at Seville in 1596, is now in the Lenox Library, New York City, and is the one used by Mr. Winship and previously by Ternaux, the latter of whom not only rendered the language of the original accounts with great freedom, but in several cases failed to understand what the original writer endeavored to relate. It is due to this that a number of writers on southwestern history have made serious, but under the circumstances quite excusable, blunders. The Spanish text is immediately followed by Mr. Winship's excellent English translation.

Next follow translations of the letters from Mendoza to the king, April 17, 1540, and from Coronado to Mendoza, August 3, 1540; the *Traslado de las Nuevas*; the *Relacion postrera de Sivola*, in both Spanish and English, which is printed for the first time through the courtesy of the late Joaquín García Icazbalceta of Mexico City; the letter from

Coronado to the king, October 20, 1541; a translation of the important narrative of Jaramillo, one of Coronado's officers; the report of Hernando de Alvarado, also of Coronado's command, and a translation of the "Testimony concerning those who went on the expedition," which throws much light on the causes which led to these noteworthy explorations.

The memoir closes with a "List of works useful to the student of the Coronado expedition" which, while it does not presume to be a bibliography of southwestern history, is doubtless the best list of works on that section yet brought together.

Students of the most interesting corner of our country may congratulate themselves that one of their number has performed so well a task which will at last give them access to a historical treasure. It will be the fault of neither Mr. Winship nor the Bureau of Ethnology if the coming generation know no more of the foremost makers of American history than those who were responsible for the glaring omission from the Congressional Library roll of honor.

F. W. H.

*The New England Primer.* A History of its Origin and Development, with a reprint of the unique copy of the earliest known edition, and many fac-simile illustrations and reproductions. Edited by PAUL LEICESTER FORD. (New York: Dodd, Mead and Co. 1897. Pp. xiii, 354.)

In this publication Mr. Ford has made an important contribution to the early history of education in America. The authorship of the *New England Primer*, the sources of its component parts, and the alterations made in various editions, are treated fully and critically in the introduction. The "Little Bible of New England," as it has been aptly called, has influenced, probably more than any other elementary book for children, the character and creed of many leading actors in our country's history. For a century and a half it was one of the first books put into the hands of children, not only in New England, but even in the Middle Colonies. It was also printed abroad, in England and in Scotland, for the use of children there. It is stated that one Boston bookseller printed in 1757 an edition of 10,000 copies, and it is known that Franklin and Hall printed over 37,000 copies at Philadelphia between 1749 and 1766, yet of all the numerous editions that were issued in New England and elsewhere scarcely a vestige can now be found. The oldest copy known dates at least thirty-seven years after the first edition appeared, and but two other editions are entered in Mr. Ford's bibliography prior to that of 1761.

There were "A B C" books and "Primers" of the Church of Rome printed even in the fifteenth century, and similar publications in English from the time of Henry VIII., but the combination of alphabet lessons and catechism had its origin among the nonconformists, the earliest instance of the kind cited by Mr. Ford being dated 1591. In New England the



early settlers had their own views on catechizing, and by 1684 a dozen different catechisms were in use in the chief towns, the best known being Cotton's *Milk for Babes* and the Assembly's *Shorter Catechism*. About the year 1685, one Benjamin Harris, a London bookseller who wrote and published ballads and popular literature, compiled and printed an elementary book for children entitled *The Protestant Tutor*, which seems to have been the earliest prototype of the New England Primer. In 1686 he came to New England, and set up a shop in Boston, where about the year 1690 he brought out the first edition of the Primer. Its success must have been immediate, for in the almanac for 1691 there was announced "A Second Impression of the New England Primer enlarged, to which is added, more Directions for Spelling; the Prayer of K. Edward the 6th. and Verses made by Mr. Rogers the Martyr, left as a Legacy to his Children." Harris returned to London in 1695, where he issued other editions of the Primer under various titles.

The basis of Mr. Ford's book is the Primer of 1727, which is here completely reproduced in facsimile from the original in the Lenox collection. Following it, as Appendix I., is a reprint, also in facsimile, of the British Museum copy of *The New English Tutor Enlarged*, printed without doubt by Harris in Queen Anne's reign (1702-1714), and which is identical in many respects with the New England Primer. Appendix II. is a facsimile reprint, from the original in the Bodleian Library, of John (or Mathew) Rogers's "Exhortation unto his Children," in its oldest printed form, as appended to John Bradford's *Complaynt of Veritie*, 1559. Then come Cotton Mather's "Views on Catechising," from his three-fold catechism of 1708; the Rev. Dorus Clarke's address on "Saying the Catechism," 1878; and several pages in facsimile of the *Holy Bible in Verse*, from the edition of 1717 in the Lenox collection. The latter publication was also from the pen of Benjamin Harris, and it is illustrated with woodcuts identical with those of the Primer. The bibliography (Appendix VI.) covers the years 1727 to 1799, and describes with care thirty-eight extant editions, most of which are known only by single copies. Following this list are extracts from advertisements and other sources referring to other editions between 1690 and 1786. The "Variorum of the New England Primer," in Appendix VII., is an analysis of the Primer's contents, indicating under each one of the parts those editions, prior to 1776, in which it may be found. Such pieces as are not found in the Primer of 1727 and in the *New English Tutor* are reprinted here. The book contains twenty-nine plates in heliotype and facsimile, among which are reproductions of the earliest advertisement of the Primer in 1690, the fragment of an edition printed by William Bradford between 1688 and 1700, and several title-pages, frontispieces and alphabet cuts. A good index closes the volume.

It will thus be seen that Mr. Ford has spared no pains in bringing together whatever material would help to illustrate the subject. The publisher has been equally successful in the style and make-up of the book.

WILBERFORCE EAMES.



*Some Aspects of the Religious Life of New England*, with special reference to Congregationalists. By GEORGE LEON WALKER, D.D. (Boston : Silver, Burdett and Co. 1897. Pp. 208.)

A VERY interesting volume, consisting of lectures delivered before the Hartford Theological Seminary, viz. The Puritan Period, 1620-1660 ; the Puritan Decline, 1660-1735 ; The Great Awakening and its Sequels, 1735-1790 ; The Evangelical Reawakening, 1790-1859 ; The Current Period, 1859-1896.

The author treats the religious life in men and women, and not in institutions, setting forth what they felt, as distinguished from what they did. Though the New England Puritans gave a new "ecclesiastical setting" to religion they did not modify its essential English forms. They emphasized: I. Divine Sovereignty, II. Human Helplessness, III. Willingness to be lost, powerfully originated by Hooker and ultimately developed by Hopkins, IV. Microscopic personal introspection, V. Reverence for scripture. All this would have driven each one crazy, had not the outward activities of new, colonial life kept them all in busy health. The constant menace of Satan, who held them closely environed, tended in the same direction. Our author puts the Devil to very respectable and useful work. He maintains that the resulting life was cheerful ; like all Puritan apologists, begging this question.

In the second or declining period, he recognizes the outcome of that narrow spirit, which persecuted Quakers and Baptists. He holds the Half-Way Covenant (p. 61) chiefly responsible for the decay of the larger religious life. The study of doctrines declined and mere ecclesiastical observances rose in value. The stigmatized "Arminian Moralities," though welcomed sometimes, were needed yet more.

Dr. Walker treats the whole popular mood and habitude of mind, that breaks out in revivals, with judicious temperance. He admits the necessity which called for a Whitefield and calmly reveals the defective results of that tremendous upheaval. It was literally the coming of a prophet, and in Nathan Cole's account (pp. 89-92) there is a bit of Homeric prose, "a sweet sollome Solemnity sat upon his brow, and my hearing him preach gave me a heart wound." Discussion and more mature reflection established the type of "New England Theology." Arminianism gathered strength and the emotional value of Methodism gets notice.

As the eighteenth century waned, something more effective was needed than the crude liberalism hitherto prevailing. The Unitarian movement and in another connection the rise of Universalism are intelligently and courteously stated. Next to these, the Hopkinsian doctrine (p. 133) or "New Divinity" was the most important influence.

The way is not so clear in the "Current Period," for we are too near the rise and fall of the waves. The lust for wealth is criticised and the immense power of modern voluntary organization (p. 170) is acknowledged. This latter force in some degree compensates the loss of a constant sense of sin in the individual. Some perplexing confessions follow

(pp. 174-175); "the Congregational churches have rejected the Half-way Covenant theory . . . are generally admitting to full communion a membership" which is described as worse. "Congregationalism to-day in reference to this matter is being worked on Episcopalian principles." This is embarrassing, but we do not wish to aggravate the difficulties of evangelical ministers, obliged to revamp medieval doctrines and fit them to modern life.

A more legitimate criticism would remark our author's neglect of the tendency toward liturgical expression and the growth of ritualism. It is significant, that while the Congregationalists, Orthodox and Unitarian, virtually controlled New England in the second quarter of our century, both branches of that church have since been surpassed by Episcopacy. Dr. Walker hardly notices the influence of the Baptists, with their sturdy independence and close reliance on Scripture. But his failure to account for the drift toward Episcopacy is more important. The Puritans so constrained the religious life on its æsthetic side, that their descendants turned to any more beautiful expression of faith. Sometimes they took up poor stuff.

The book is the work of a sincere scholar, who knows his subject—of an earnest minister, who feels the rush of modern life as it is borne in upon the churches; while cast in the form of lectures, it is based on strict investigation, with references. Hence it has historic value.

WM. B. WEEDEN.

*The Literary History of the American Revolution, 1763-1783.* By MOSES COIT TYLER. Volume II. 1776-1783. (New York: G. P. Putnam's Sons. 1897. Pp. xix, 527.)

THE second volume of Professor Tyler's work materially modifies certain criticisms that were made against the earlier volume in the REVIEW for July, by treating of Hutchinson, Franklin and other writers; and while we cannot but feel that they fall into the earlier period rather than into the later, the fact that they are adequately discussed is the important point, without very much regard to whether they are accorded an early place or a late one. Every writer must recognize that there is a certain proportion in every book, which results from the mind of the maker of the book, which will rarely seem correct to any other student. Thus, in the present work, it seems to us that the fifteen pages accorded to Samuel Adams, and the twenty-three pages accorded to Franklin, are very disproportionate to the relative importance of the writings of the two men. Granting that Adams' newspaper articles had their influence in Massachusetts, though one must search far to find even this, yet nothing that he wrote attained any real reputation, and scarcely a line of his ever got beyond the colonial boundary of Massachusetts. Franklin's writings, on the contrary, were really international; were translated and retranslated, and many of them have been printed over and over again. A selection of his published writings has been reprinted more than a hun-

dred times, and the same is true of his "Poor Richard" and his autobiography. Samuel Adams, the man, was a potent force and filled a large space in the public mind as a shrewd managing politician, with a position very much akin to that occupied to-day by Richard Croker; but Samuel Adams, the writer, made no more reputation than the average journalist of to-day, who can write ably on the current topics of the moment, and whose writings perish almost as quickly as they are written.

We think a tendency of the author shown throughout the present volumes is toward a too great reliance on modern collections of Revolutionary literature, such as Frank Moore's *Diary of the Revolution*, the same writer's *Songs and Ballads of the American Revolution*, his *Patriot Preachers*, Thornton's *Pulpit of the American Revolution* and Winthrop Sargent's valuable works, and we think this reliance produces here and there a certain triteness. Those collections, except Sargent's, are very inadequate, and even his could be very much enlarged. An omission, which is perhaps more in the nature of an oversight, is the neglect of the Revolutionary oration, and this is the more surprising because James Spear Loring's collection of *One Hundred Boston Orators* has made a number of orations as easy of consultation as the before-mentioned compilations of Revolutionary poems and sermons. We think a résumé of the series delivered in commemoration of the Boston Massacre, and also of those in annual celebration of the Declaration of Independence should have been included. Still more important was Rev. William Smith's *Oration on Montgomery*, delivered by request of the Continental Congress, which obtained such a popularity as to have at least six editions, yet which Congress refused to print, and John Adams declared an "insolent performance," an oration which, for some reason, is not even mentioned in the account of Smith in the present volume.

It should have been noted in connection with Franklin's *Examination*, of which the author says that it "shows his marvellous presence of mind under the shower of questions that were rained upon him in the House of Commons," that his examination was the device of the Opposition, and that the questions were concocted between Franklin and those opposed to the Stamp Act, and indeed was not very different from a well known subterfuge of to-day, by which certain men supply the press with interviews in which they answer the questions they propound to themselves. Mention, too, might have been made of the fact that this was the first American political pamphlet which really broke through colonial boundaries, it having been printed not merely in London, but in Philadelphia, New York, Boston, New London and Williamsburg.

In the discussion of Thomas Paine we think attention might have been called to the fact that Paine denied the authorship of everything in the pamphlet entitled *Additions to Common Sense*, a fact the more important as some of that volume has been included in the latest edition of Paine's writings. Mention, too, should certainly have been made of the fact that Paine later became the pensioned writer, first, of the French minister, and second, of the Morris interest, for otherwise his writings

between 1778 and 1783 cannot be judged from a correct standpoint. The title of the very popular *Crisis*, as Professor Tyler infers, was unquestionably taken from the English periodical of that name, published, until suppressed, in numbers in 1775-6. At least four editions of this were reprinted and circulated in America in a typographical form later imitated exactly by Paine's publication.

Though a number of the journals of Whigs in the Revolution are introduced, many more might have been, but even if the author considered that he had given sufficient examples of them, it would have been well to have included an obverse by introducing the diaries of the loyalists, Curwen, Ithiel Town and Van Schaack. In the consideration of histories, some notice should have been taken of Belknap's *History of New Hampshire*. Nor does the omission of George Chalmers seem excusable, even though it is consistent with a similar treatment of Huske, Bollan and others, for Chalmers's two historical works are unquestionably the best histories of their kind written in the eighteenth century on this country. It can be urged, of course, that the author was English born, and wrote his books in Great Britain. But Boucher, who was far less prominent and far less able, to whom much space is given, was English born, and like Chalmers, was driven forth at the outbreak of war.

PAUL L. FORD.

*Archives of Maryland. Journal and Correspondence of the Council of Safety, January 1-March 20, 1777. Journal and Correspondence of the State Council, March 20, 1777-March 28, 1778.* Edited by WILLIAM HAND BROWNE. (Baltimore: Maryland Historical Society. 1897. Pp. viii, 591.)

THIS is the sixteenth volume in the series of *Archives of Maryland*, the publication of which, under the direction of the Maryland Historical Society, was authorized by the state in 1882. The present volume completes the records of the Council of Safety, which were begun in the twelfth volume and continued in the thirteenth, the last two making their appearance in 1892-1893 (*Journal of the Maryland Convention*, July 26-August 14, 1775, *Journal and Correspondence of the Maryland Council of Safety*, August 29, 1775-July 6, 1776, pp. 585; *Journal and Correspondence of the Maryland Council of Safety*, July 7-December 31, 1776, pp. 595.) The *Archives* have hitherto appeared in a somewhat irregular order; but the interruption of the publication of the Proceedings of the General Assembly, of the Council, and of the Records of the Provincial Court, for the appearance of the Sharpe Correspondence and the Journal and Correspondence of the Council of Safety, is doubtless to be explained by a demand for the early printing of the revolutionary and pre-revolutionary documents. It is a source of regret that the meagre appropriation of the state prevents the early completion of a work, which is proving of the greatest value to students of Maryland history.

In 1774 Maryland, in common with the other colonies, was brought face to face with the necessity of yielding up her political freedom, or casting in her lot with those urgent for resistance to British oppression, whatever the consequences. The Boston Port Bill and other British measures of the year aroused the colonies and caused a renewal of the non-importation agreements. Steps were now taken which rapidly transformed Maryland from a British dependency into a sovereign state. The Provincial Convention assembled for the first time on June 22, 1774, under Matthew Tilghman as chairman. Resolutions were passed protesting against the acts of the British Parliament, urging non-intercourse; and delegates were appointed to the first general Congress at Philadelphia, September, 1774. Other conventions were held at frequent intervals from that time until the close of 1776, assumed control of provincial affairs with as little disturbance of existing conditions as possible, and made provision for the common defense of the province and the colonies. In order to provide a permanent executive power, the convention of July, 1775, appointed a Council of Safety, to exercise the chief functions of the convention during the intervals between sessions. The council consisted of sixteen members, eight from each shore, any nine to constitute a quorum; some further changes in the council were made later. Committees of Observation in each county co-operated with the Council of Safety. Among the members of the council, we note the names of Matthew Tilghman, William Paca, Thomas Stone, Samuel Chase, Charles Carroll of Carrollton, Thomas Johnson, and Daniel of St. Thomas Jenifer, who was chosen President of the Council and who afterwards served his state ably in the Federal Convention. Maryland was indeed fortunate in her choice of political leaders. Trying times were these, and the weighty problems of the hour demanded the exercise of the wise counsels, sound judgments, and temperate conversatism of her best men. Great credit is due the members of the council for their courteous treatment of Governor Eden, the last of the proprietary governors, whose authority had been superseded; for its resistance to the pretentious claims of Virginia to the north-west territory; and its suppression of the Tory element in the southern counties. The letters of General Smallwood, who had charge of this latter task, give much interesting information on this point. The moderation that characterized the conduct of Maryland's revolutionary government is particularly noteworthy.

The present publication is an exact reproduction of the original MSS. of the Archives, abbreviations, errors, spelling and all. The minutes and correspondence are combined and arranged in chronological order. The originals, the collection of which is nearly complete, are in the custody of the Maryland Historical Society, and the comparatively few omissions are supplied by later copies of the originals. The complete records of the council cover the period from August 29, 1775, to March 20, 1777, and together with Green's previously published *Proceedings of the Conventions of Maryland*, give the student a good documentary equipment for the study of the most important epoch in Maryland history. On

the latter date, the Council of Safety gave place to the new Council of State, its successor under the new state constitution and the first part of whose records are likewise published in this volume for the first time. Everywhere are evidences of the minute and accurate scholarship of the editor. The print is excellent and the pages are not encumbered or disfigured with notes, such as are necessary being combined together on a leaf following the preface. Marginal references indicate the sources of the documents appearing in the volume and whether originals or copies. Two indexes accompany the volume, one to names of persons and places, the other to letters. These are quite complete, but we note the absence of the serviceable "Topical Index" which occurs in earlier volumes, and for the absence of which no explanation is given.

J. WM. BLACK.

*Constitutional Studies, State and Federal.* By JAMES SCHOULER, LL.D. (New York: Dodd, Mead and Co. 1897. Pp. 332.)

In this volume Mr. Schouler has sought "to trace the origin and progress of those political ideas which have become dominant and fundamental in American government." He bases his thesis on the colonial charters, the state constitutions and the Constitution of the United States, with frequent reference to leading decisions of the courts. The book contains the substance of lectures delivered before the graduate students of the Johns Hopkins University during the years 1893-1896.

Like other books by Mr. Schouler, this is badly written. It is unfortunate that a man so learned as Mr. Schouler will not or cannot say a plain thing plainly. The book from cover to cover is a blur of thought and expression. This is severe language, but it is fully warranted by these constitutional studies. Much of the fault in form and language might be avoided if Mr. Schouler would employ a skillful reader to revise his manuscript for the press. Mr. Schouler seems never to have heard of that law stated by Herbert Spencer in his *Philosophy of Style*: "To so present ideas that they may be apprehended with the least possible mental effort."

It is rarely that academic lectures are worth printing. They usually contain much elementary matter familiar to general readers, and seldom any special information. If they do not smell of the lamp they smell of the class-room, and it is an odor fatal to a book. Contributions to knowledge may take the form of lectures to university students. Blackstone and Dicey at once occur to the mind as such contributors, but theirs is the art of expressing technical knowledge in readable form. Dicey's English is as clear as Cardinal Newman's. The only hope that a writer and publisher of college lectures can have is to express his ideas in a piece of literature; then it will be read even though its contents are already familiar to persons of ordinary information.

In Part I. Mr. Schouler briefly reviews the early charters in order to show that they recognized the fundamental civil rights of the colonists. This is rather broad construction, but it is the usually accepted American



interpretation of these royal grants. Probably no other set of royal permits has had such a mass of political theory read into them. Mr. Schouler is satisfied with an interpretation of the language of these documents; he has nothing to say of the economic necessities of the colonists which dictated a political practice equal in authority with the charters and at last supplanted them. Mr. Schouler has told us nothing new and has omitted to tell us much that is deducible from colonial legislation and practice and from no other source. A slight examination of the acts of assemblies down to 1776 would have enabled Mr. Schouler to make this portion of his volume of interest to specialists. Part II. discusses the federal union. Here familiar information is given, such as may be heard in any college in the country that offers a course in American history. His chapter on the federal union is in substance a paraphrase of the national constitution, supported by citations of leading cases in the Supreme Court. Such a treatment of the subject may be heard in most senior classes now-a-days. His account of the "Early Tendencies to Union" omits reference to eight of the early federal plans, and fails to distinguish between the two distinct principles that underlay all the plans: the principle of a military and that of a civil system. He fails to show that it was the supremacy of the civil over the military authority that distinguished the system ultimately adopted in this country.

It is difficult now to add anything new to the traditional discussion of the national instrument. But Mr. Schouler might have varied the treatment by showing the economic importance of the constitution among the various plans of government which the world has tried. His adherence to a merely legal exposition, and that elementary, accounts doubtless for the omission. But it is precisely as an industrial opportunity that the national constitution is chiefly important. It is an outline of a plan of government to secure industrial as well as political rights. This is not suggested by Mr. Schouler. Perhaps the omission is due to changes in constitutional studies which have escaped his attention. The old law-school treatment of the constitution has quite disappeared from university instruction. Government is an organism, not a mere compact. The fate of humanity rests with a greater power than a court of law. No one will presume to dispute the authority of the court; but we also know that the constitution is interpreted by other agencies. Mr. Schouler gives no hint of that mass of industrial exposition, recorded in part in the legislation of the country, and in larger measure in the practice of the people. The American Union is more than a mere agreement among lawyers; it is an organic union and the constitution takes its meaning from the will of the organism. Even as a legal exposition of the constitution this by Mr. Schouler does not excel that to be found in elementary text-books on civil government.

In Part III. Mr. Schouler discusses the state constitutions since 1789; those prior are discussed in Part I. Mr. Schouler is to be commended for including these instruments in his lectures. They are usually omitted in collegiate instruction. He finds the text of most of them in

Poore, *i. e.*, down to 1876. His discussion is in the nature of a catalogue of facts gleaned from the texts themselves. He tells what terms of office, what suffrage qualifications, what limitations of legislative power, what executive powers are set forth in these instruments. But as in other parts of his lectures, he fails to tell what the fairly well-informed man wants to know. There is no hint of the method of constitutional development which these constitutions illustrate. Not a reference is given to the only source of information on the making of these supreme laws: the debates, journals and documents of the constitutional conventions. Nor is there any account of the acts of assembly which ultimately are incorporated in these constitutions. Mr. Schouler has made an interesting but incomplete tabulation of facts from the texts of these instruments, but he fails to clothe these facts with living tissue. The effect of this inadequate treatment is apparent. It robs the book of all interest to the specialist and lessens its general value to the student.

Probably Mr. Schouler has never made an exhaustive study of the state constitutions. At least this is an inference from his treatment of them. The field has been but slightly cultivated, and much in the extent but not in the style of Mr. Schouler. The forty-five states have adopted one hundred and twelve constitutions. The journals, debates and documents containing the official record of their formation comprise about four hundred volumes. The number of pamphlets is great. Upwards of six hundred may be found devoted to the Rhode Island constitution of 1842. It may be said, however, that the number in other states does not present so serious an inverse proportion to the size of the state. In addition to documents and pamphlets there is a mass of legislation bearing on representation, the franchise, terms of office, distribution of powers, education, public institutions, taxation, corporations and public lands scattered through the volumes of state laws. These volumes number about four thousand.

Mr. Schouler's discussion of these state constitutions amounts to little more than an arbitrary classification of the instruments. Some belong to the "Era of Federalism;" others to the "Republican Era;" the "Era of Peaceful Development;" the "Era of Strife;" the era of "Civil War and Reconstruction;" and the "New Era." All this is fanciful and easy and is quite such a division as a writer makes when he touches a theme slightly and for the first time.

Mr. Schouler might have shown that the state constitutions are the record, both conscious and unconscious, of the evolution of popular government in America. They closely represent the efforts of the American people to secure what, from time to time, they have considered their "rights;" and by rights is to be understood far more than the formulation in technical language of terms of office, salaries, and civil qualifications. Behind this mass of form is the struggle of the people to have life and property protected and to secure the opportunity to make a living. Of these patient and sometimes unsuccessful efforts, Mr. Schouler gives slight accounts.

However helpful these lectures may have been to the students to whom they were originally delivered, they contain little that warrants their publication. A perusal of them compels the conclusion that they are commonplace and badly written.

F. N. T.

Recent events in the East have been of such a character as to arouse a keen interest in all matters pertaining to Mohammedanism, so that there was a special timeliness in the lectures of Professor Henry Preserved Smith delivered at the Union Theological School last spring on the Ely foundation. These lectures, ten in number, Professor Smith has published under the title *The Bible and Islam, or the Influence of the Old and New Testaments on the Religion of Mohammed* (New York, Charles Scribner's Sons, pp. 319). The titles of these lectures are, respectively, as follows: The Apostle of Allah, The Common Basis in Heathenism, The Koran Narratives, The Doctrine of God, The Divine Government, Revelation and Prophecy, Sin and Salvation, The Service of God, The Future Life, Church and State.

Professor Smith is fully aware "that the Islam of to-day is in many respects different from the Islam which emerged from the wilderness twelve centuries ago," and, therefore, he limits himself to a consideration of its beginnings and still further to an examination of the influence which Judaism and Christianity have exercised upon it. It is Professor Smith's conclusion that Mohammed owes the impulse which fired his soul to Christianity and not to Judaism. Reference must be made to the book itself for the arguments advanced by the author in support of his position. The spirit in which he has conducted his investigations is admirable. He has made good use of his sources, and, while the subject is such that there would inevitably be a difference of opinion as to conclusions in some matters of detail, the book may be recommended as a valuable account of those aspects of Islam with which it deals. The usefulness of the work would be increased by the addition of an analytical index, and indexes of passages quoted from the Bible and the Koran.

J. R. J.

Mr. Arthur Hassall's *Handbook of European History, 476-1871* (New York, The Macmillan Co., pp. 383), is the result of an effort to do for European history what Acland and Ransome's *Outlines* does for English history, and the arrangement would seem to have been suggested by the plan of that book. The outlines are arranged chronologically in four parallel columns, two larger ones for Germany and France, respectively, a smaller one for England, and a similar one for Eastern, Southern and Northern Europe. The column for France leaves little to be desired; that for England, considering the space devoted to it, is also satisfactory, though for England alone one will still find Acland and Ransome much more useful. The column headed Germany is made to do duty for the whole of German Europe, and occasionally for other countries where Ger-

man influence happened to predominate. Consequently this portion necessarily lacks unity. In the column headed "Eastern, Southern and Northern Europe" no unity is of course attempted, though once in a while it is taken possession of by Italy, or perhaps Sweden or the Netherlands, and becomes the most important column of the four. Its chief usefulness will be merely to call to mind the most prominent events contemporaneous with the French, German or English period under view. In comparison with Ploetz's *Epitome* the outlines are sometimes fuller and more satisfactory, but Ploetz is not superseded. There are numerous brief genealogies interspersed through the work, and notes upon special topics. Part II. consists of larger genealogies, of summaries and lists of sovereigns. There is no index. While history does not arrange itself in four columns, there is a certain advantage in having the chief events of a period before the eye at once, and the manual will doubtless prove useful.

The new edition of Bishop Stubbs's *Registrum Sacrum Anglicanum, an Attempt to exhibit the Course of Episcopal Succession in England* (Oxford, Clarendon Press, pp. 248), does not differ so greatly from the first edition (1858), as its size and appearance might at first glance suggest. The most noticeable change is in the abandonment of the tabular arrangement. The date and the name of the bishop are printed in heavy-faced type, the see or sees follow, and after this the names of the consecrators and place of consecration, together with references to authorities and any needful explanation. The author has fully availed himself of his opportunities during these forty years to make verifications and corrections, but remarkably few corrections have been found necessary. Some uncertain dates have been fixed, the explanatory matter has been here and there enlarged, and references have been made to printed authorities which forty years ago were manuscript only. In the spelling of Anglo-Saxon names considerable changes occur. On the other hand, the systematic list of authorities contained in the first edition has been omitted in the new, and no list explanatory of abbreviations is given. While the former may not now be so necessary, with the fuller references in the body of the text, the absence of the latter will be a real inconvenience to many. Finally, a very important addition has been made in the shape of an appendix, prepared by Canon E. E. Holmes, giving a complete list of the consecrations of Indian, colonial and missionary bishops. The whole book has, of course, been brought down to the present year.

A volume of *Selections from the First Nine Books of the Croniche Fiorentine of Giovanni Villani* (Westminster, Archibald Constable, pp. xlviii, 461), intended chiefly for the use of students of Dante, bears the names of Miss Rose E. Selfe as translator and of Mr. Philip H. Wicksteed as editor. The editor has selected the passages and written the introduction. Their intention has been to translate all the passages from the first nine books of Villani's chronicle which are likely to be of direct interest and value to the student of Dante. Marginal references

to the works of Dante have been inserted in abundance. Since the chapters selected are generally translated entire, and since the headings of the omitted chapters are given in their order, the student who also wishes to get a fuller notion of Villani can do so. The chapters are so selected as to present the atmosphere in which Dante lived, the political conflicts in which he was engaged, the events and persons with which he deals, and what Villani has to say of the poet's own life. The result is an exceedingly interesting volume. The introduction is well executed.

The first volume of the new series of the *Register of the Members of St. Mary Magdalen College, Oxford*, edited by Mr. W. D. Macray and continuing the series edited by Dr. J. R. Bloxam, was published in 1894. It dealt with the fellows from the foundation of the college to the year 1520. The second volume is now published (London, Henry Frowde, pp. 231). It covers the years from 1522 to 1575. Mr. Macray first prints an exceedingly interesting series of extracts from the registers and the bursar's accounts for those years, in which the life of the college under the Tudors receives abundant illustration. The fellows are then taken up in chronological order, and their lives, unless previously given in Dr. Bloxam's account of the demies, are presented with minute care, according to materials printed and manuscript. One of the most interesting matters is that of the appointment of Dr. Nicholas Bond as president in 1589. The fellows of that date submitted to royal dictation in a manner which strongly contrasts with the spirited course pursued by the fellows of 1687, and which indeed constituted an embarrassing precedent for the latter. An appendix presents the text of two inventories of chapel vestments and ornaments, dated 1481 and 1486. Another gives details regarding books in the library which bear evidence as to ownership or donorship. The book represents an immense amount of affectionate labor on the part of the editor, bestowed for the honor of his ancient and famous society, and is of substantial worth to the student of the history of universities.

Professor Richard Lodge has contributed a valuable little biography of *Richelieu* to the Foreign Statesman Series (The Macmillan Co., 1896). His task, indeed, was not especially difficult, for the publication of Richelieu's letters and state papers under the able editorship of the Vicomte d'Avenel has made it possible to follow both the internal and the foreign policy of the great cardinal with singular accuracy. M. D'Avenel, further, has supplemented his learned prefaces to the volumes of Richelieu's papers by an elaborate work on *Richelieu et la Monarchie Absolue*, while M. Hanotaux has in the first volume of what promises to be the definitive life of Richelieu treated with singular ability the story of the cardinal's youth and early career. With such guides, Professor Lodge could not go far wrong. But he deserves great credit for the judicious manner in which he has handled the authorities he follows, and it may safely be said that his volume is the most useful summary in the English language to place in the hands of students who desire to get a

clear idea of the personality and of the work of the great French statesman of the seventeenth century.

H. M. S.

The *Journal of Sir George Rooke*, Admiral of the Fleet 1700-1702, edited by Oscar Browning, constitutes the ninth volume published by the Navy Records Society. The MS. has been in use from the time of Campbell to the present, and the publication, therefore, has little that is novel about it, and that little (the editor's work) is rather accurate than new. Nor does it possess the general interest that Captain Martin's story did. The Journal must, nevertheless, prove of interest and of some value to the student of naval and diplomatic history. Two incidents in the war of the Spanish succession, the expedition to the Sound in 1700, and the attack on Cadiz and on Vigo in 1702, are the subjects of the narrative. Material for the settlement of the old question recently reviewed by Arthur Parnell as to the culpability of Rooke is not afforded; they are, however, official notices relative to the naval constitution on pages 133 and 253 which should be compared with the demands of the reformers of the navy put forth in such contemporary pamphlets as Everett's *Encouragement for Seamen* and the *Inquiry into the Causes of our Naval Miscarriages*. The spirited letters, too, of the Prince of Hesse, the military representative of Austria in Spain, will be read with interest (pp. 200-207).

The editor appears to us to have interpreted his office somewhat narrowly. His work consists of a careful introductory narrative of the Danish episode, based upon the MS. correspondence of Mr. Robinson, envoy at the Court of Stockholm, and of the Cadiz-Vigo expedition, but without criticism or comment upon the details of those events or their general significance. Without looking for a life of Admiral Rooke or a review of former biographies, one might reasonably expect a brief rehearsal of the old question of Rooke's conduct at Cadiz and a review of the contemporary narratives of all these events. Throughout the Journal we are reminded of the great lack of published diplomatic correspondence. Surely some one will undertake to do for the Foreign Office what the Navy Records Society is doing so admirably for the Admiralty.

W. D. J.

Mr. James Eugene Farmer's *Essays on French History* (G. P. Putnam's Sons, pp. 120) deserve more attention than their title seems to demand. The little volume contains two essays carefully studied from original authorities, on the Rise of the Reformation in France and on the Club of the Jacobins respectively. They are not mere studies from secondary authorities, written for writing's sake, but contain ample evidence of serious work among the best primary sources. This does not imply that they are valuable contributions to historical knowledge. What Mr. Farmer has done is to study over again in the light of recently published material two interesting subjects in French history and to make acceptable in the English language the results of recent research in Ger-



many and in France. The less important of the two essays is the one upon the beginnings of the Reformation movement in France, because on this subject he has not so much newly published material to deal with. He describes with skill the figure of the first of French reformers, of the old Paris professor, who weakened towards his latter days and did not earn the crown of martyrdom, Jacques Lefèvre d'Étaples, or as he called himself in Latin, Jacobus Faber Stapulensis. In his second essay, on the Jacobin Club, Mr. Farmer has wisely relied upon M. Aulard's elaborate volumes of documents. Aulard's work is, of course, well-known to all students of the history of the French Revolution, but the new light which he has thrown upon the organization and early history of the Jacobin Club has not yet been incorporated in modern histories of the French Revolution. Mr. Farmer's essay has, therefore, a distinct right to exist, and although its life may not be long, for the information contained in it will inevitably find its way into more general histories, the author has shown himself capable of excellent work, which gives great promise for the future.

H. M. S.

The great popularity achieved by the numerous volumes of personal reminiscences which have been lately appearing in France, dealing with the period of the First Empire, is shown by the steady succession of translations of the most interesting among them into English. The memoirs of Marbot, as translated by that prince of translators from the French, Mr. A. J. Butler, won as great success in England and America as in France, and leading publishers, understanding that the Napoleon craze is not confined to France, but has spread over the civilized world, have followed up the translation of Marbot by other handsome volumes. Most notable among these is Mr. A. J. Butler's translation and condensation of the memoirs of Thiébault (*The Memoirs of Baron Thiébault*, translated and condensed by Arthur John Butler, in two volumes; New York: The Macmillan Co.). Something was said of the value of Thiébault with regard to the period of the Directory in an article published in the *AMERICAN HISTORICAL REVIEW* (I. 487-488), and it may be added here that the memoirs increase in interest, if anything, for the period of the Empire. But Thiébault is a long way from being a second Marbot. Though full of good stories and written from the point of view of an eye-witness, the five closely printed volumes in French become a little tedious, and Mr. Butler has, by skillful compression, made the book distinctly more readable. The general's personality, with its touches of vanity and simplicity combined, stands out clearly and much new light is thrown upon the history of the Napoleonic wars and especially upon the causes of the failure of the French in the Peninsular campaigns. Only less interesting than the memoirs of Thiébault are the memoirs of General Lejeune, which have also recently appeared in English dress (*Memoirs of Baron Lejeune*, Aide-de-camp to Marshals Berthier, Davoust, and Oudinot, translated and edited from the original French by Mrs. Arthur Bell [N. D'Anvers], in two volumes, Longmans, Green and Co.). These

memoirs were reviewed at the time of their publication with other personal reminiscences on the wars of Napoleon in the *AMERICAN HISTORICAL REVIEW* (I. 726-731), and it need only be stated here that the translation seems as worthy of the original as a translation can be. Mrs. Bell is not indeed such an expert at the work as Mr. A. J. Butler, but for those who, unfortunately for themselves, are unable to read French, her version should prove quite satisfactory. Last on the present list is to be noticed a translation of the delightful recollections of Oudinot, written by his second wife (*Memoirs of Marshal Oudinot, Duc de Reggio*, compiled from the hitherto unpublished souvenirs of the Duchesse de Reggio by Gaston Stiegler, and now first translated into English by Alexander Teixeira de Mattos; New York: D. Appleton and Co.). Oudinot was one of the true heroes of the First Empire. He won his fame by constant service in all the great campaigns of the Emperor Napoleon, and although he never distinguished himself in an independent command he showed himself, throughout, a soldier of unrivalled courage and unblemished honor. The young bride whom he wedded in January, 1812, on the eve of the disastrous invasion of Russia, seems to have worshipped her gallant husband, and her recollections of him were recorded by her in a charming little volume which it seems almost desecration to submit to the ordeal of translation into English. This is not meant to imply any great inferiority in the translator's skill, but yet, somehow, the graceful and womanly style of the Duchesse de Reggio seems to have suffered more in its passage into the English language than the anecdotic egotism of Thiébaud or the airy good-humor of Lejeune.

H. M. S.

*The Balkans*, by William Miller, M. A. [Story of the Nations Series] (Putnam's, pp. 468), is one of the poorest among the nearly fifty volumes which make up a generally excellent series. The author had indeed the difficult task of narrating four distinct histories—those of Bulgaria, Montenegro, Roumania and Servia—in the space of 468 duodecimo pages. Hence the book is composed of four distinct parts of nearly equal length, connected only by the bookbinder's art. Brevity left small room for details not absolutely essential. At the same time none of the four presented such a mass of historic material as to overwhelm the writer by difficulty of selection.

The author writes with that insular prejudice which regards the Eastern Christians as an inferior race and gives small consideration to the causes stunting their development. Probably no people would have endured their terrible ordeal of centuries better than these four peoples have done. The Bulgarians especially have maintained to a remarkable degree the solid virtues of their character. The book brings out the fact that, except in very recent times, they have hardly known what self-government is. Without traditions to guide them and with no personal though remote experience to which to appeal, they have been launched on the sea of political independence. The part dealing with Montenegro is the least unsatisfactory portion of the book.

The writer's sensitiveness to Russia is almost amusing. Constantly on the lookout for a Russian, he always finds or hears one or has a creepy sense of one's being near. With a microscope he seems peering for benefactions conferred by the British government on Southeastern Europe, and narrates almost with glee that in 1829 "an Englishman had prophesied to the natives that England would sympathize with them in their struggle to be free."

The style is generally good, but sometimes slovenly. At the beginning the Balkan states are elegantly likened to a "cockpit;" "gang" is a frequent term to describe a group, and "united together" is the usual expression for united. Sultan Murad is called "Amurath" and Sultan Bayezid "Bajazet." Instead of Mussulmans we have "Mohammedans," a common but improper term. Rumors and scandal are credulously accepted as facts; inaccuracies in dates are frequent and prejudice supplies the place of judgment. Of the contemporary history of those states we are afforded a distorted and often erroneous view. The index is good. So are some of the pictures, and there is a sufficiently detailed map.

E. A. G.

In the Story of the Nations series have been published a few really valuable contributions to historical knowledge based upon the study of original authorities, many useful summaries of national history, many convenient, popular histories, which succeed in satisfying the general reader, though they are devoid of real value, and some absolutely trashy productions, which rate the intelligence of the general reader at a very low mark indeed. Among the recent volumes in this series is the *Story of British India* by R. W. Frazer (G. P. Putnam's Sons, pp. 399). This book can certainly not be ranked among valuable contributions to history, nor indeed, to do the author justice, does he claim any great degree of historical merit. But it is far from being the worst book upon its subject. Of course it cannot rank with Sir Alfred Lyall's *The Rise of the British Dominion in India*, nor with the historical chapters in Sir W. W. Hunter's *Brief History of the Indian Peoples*. Neither in knowledge nor in style can Mr. Frazer be ranked with the two great authorities on Indian matters whose books have been mentioned, and he must expect to appeal, therefore, to a class of readers who may be more attracted by the illustrations with which his volume is filled than by anything else. As far as material is concerned, Mr. Frazer has followed worthy masters and he duly acknowledges his obligations in his preface. He has, however, followed Sir W. W. Hunter a little too closely in the matter of arrangement and perspective. In a book which, if it has any *raison d'être*, should be more devoted to the picturesque side of history than to the simply descriptive, it might be thought that the statistical chapter of nearly forty pages might have been omitted, and an account given instead of that most picturesque period in the history of the British merchants in India which covers the latter part of the seventeenth and the beginning of the eighteenth century. It is hardly credible that Mr.

Frazer should have thought it wise to omit, as he has done, all mention of Sir John Child, who so stoutly resisted the Emperor Aurangzeb, and of brave old Thomas Pitt, the grandfather of Lord Chatham, whose defense of Madras should have at least been mentioned. Such omissions form a distinct blemish on the book. The style further is not to be commended; it abounds in flowery passages which are not eloquent, as for instance on page 234. Nor are the facts always correctly stated, as witness the sentences devoted to the English East India Company on page 47.

H. M. S.

The publication of the anonymous *Lettre d'un Habitant de Louisbourg*, with an English translation by Professor George M. Wrong (Toronto, William Briggs, 1897, pp. 74), makes a valuable addition to the printed materials upon the siege of Louisbourg. Copies of the original edition of the letter are extremely rare. Parkman had a copy made of the volume in the Bibliothèque Nationale in Paris for use in writing *A Half Century of Conflict*, and in the appendix to Vol. II. printed large portions of it. But it is now for the first time made accessible in its entirety. The letter is valuable as being the only unofficial account of the siege, from the French standpoint, in existence. It is all the more interesting because the author, while a Frenchman, makes bitter complaint against his own people and accuses the French officers of gross negligence.

A contribution of some value to the history of the Northwest is *The Gladwin Manuscripts, with an Introduction and a Sketch of the Conspiracy of Pontiac*, by Charles Moore (Lansing, Mich., Robert Smith Printing Co., pp. 603-687—reprinted from the *Michigan Pioneer and Historical Collections*, Vol. XXVII.). The facts in regard to Gladwin's career have been gathered partly from the Haldimand and Bouquet collections, but chiefly from the descendants of Gladwin in England. When all is told it is not a great deal, but we are glad to learn what we can of the man who stoutly held Detroit against such great odds. The running account of the conspiracy of Pontiac and the siege of Detroit is not particularly valuable, as there is little divergence from the story of Parkman. In his reference to the manuscripts of the collection the author neglects to specify either pages or documents. The manuscripts, most of which have not been printed before, were obtained from the sources mentioned above. They consist of letters from commandants of subordinate posts, declarations of individuals, courts of inquiry, etc., and one or two letters of Gladwin. They add something of fact and detail, but do not enlarge in important particulars our knowledge of those sieges.

From the office of James B. Lyon, the state printer for New York, at Albany, come five bulky volumes containing the *Colonial Laws of New York* from the grant to the Duke of York in 1664 to the last act of the colonial legislature prior to the Revolution. This bears the date of April 3, 1775. Besides the statutes enacted by the colonial legislatures, these pages contain the charters of the colony and of the cities of Albany

and New York, the commissions and instructions to colonial governors, "the Duke's Laws," and the laws enacted by the Dongan and Leisler assemblies. In the first volume is inserted a brief historical note by Robert C. Cumming, which traces the history of the organs and powers of provincial government in the colony under English rule.

The work has been performed under the supervision of the New York Commissioners of Statutory Revision, who are charged with the general revision of the laws of the state. The responsible editor and compiler is, however, Mr. Cumming, who is the chief clerk of the commission. He has collected the material for this work from a variety of sources, published and unpublished, and nothing seems to have escaped his search. He has prefixed to each document a note of bibliographical reference with dates of enactment. It would have been an additional convenience to the student if the editor had placed at the top or side of each page a series of running titles, showing the chapter, date and gubernatorial reference to the text that streams over the pages below. The work of printing, proof-reading and indexing has been accurately done. The index includes the name of each person mentioned in the legislation of more than a century, a work for which genealogical enthusiasts will be grateful.

These volumes form a useful pendant to Dr. O'Callaghan's great collection of documents. Their contents will be more serviceable to the historical student than to the lawyer, for in 1828 the state legislature expressly repealed all colonial statutes. The more important historical documents herein comprised have been in print for a long time, but it was certainly fitting to include them in the complete record of colonial legislation. Ample provision seems to have been made by the legislature of the state for a generous distribution of these volumes to libraries and learned societies.

Professor James Monroe, of Oberlin College, has gathered into a volume of *Oberlin Thursday Lectures, Addresses and Essays* (Oberlin, E. J. Goodrich, pp. 373) ten or eleven modest contributions to American history, most of which were written for delivery before the students of his own college. They were well adapted for such a purpose. Almost all are based upon the author's recollections of his own experiences as a youthful worker in the anti-slavery cause, as a member of the legislature of Ohio in the fifties, as United States consul at Rio Janeiro during the Civil War, and as a congressman after the war. The experiences of the author were not extraordinary, and his reflections upon them are sensible rather than profound. They are made from the special point of view of a college professor, of unworldly temper yet shrewd and humorous. The narratives, especially those of the earlier days traversed, aid in constructing a life-like mental picture of political society in the Western Reserve forty or fifty years ago. The spirit in which these things are presented is admirable, for the author, a constant Abolitionist and Republican, takes the utmost pains to be fair to all opponents, with an impartiality growing partly out of his charitable disposition and partly out of his good sense and appreciation of the humorous.

## NOTES AND NEWS

Wilhelm Wattenbach died on September 20, aged nearly 78. He was universally regarded as one of the most eminent of the older generation of German historical students, especially in the departments of medieval *Kulturgeschichte* and palaeography. Born in 1819, he began in 1843 a connection with the *Monumenta Germaniae Historica* which did not terminate until 1888, when he resigned the presidency of its board of directors. While provincial archivist in Breslau he published, in 1858, the first edition of his *Deutschlands Geschichtsquellen im Mittelalter*, of which the sixth edition was issued in 1893. From 1862 to 1873 he was a professor at Heidelberg, and in 1871 published his well-known work on *Das Schriftwesen des Mittelalters*. Later books in the same field were his *Anleitung zur lateinischen Paläographie* and *Anleitung zur griechischen Paläographie*. In 1873 he was called to Berlin as professor of the sciences auxiliary to history. He was active in the Prussian Academy, in the direction of the Prussian Institute in Rome, in the work of the Historical Commission of the Munich Academy, and in the completion of the series of *Geschichtschreiber der deutschen Vorzeit*.

Don Pascual de Gayángos died on October 4. He was born in 1809 and pursued his studies in France and England. From 1836 to 1843 he again resided in England. During this period he translated Ticknor's *History of Spanish Literature* into Spanish and Al Makkari's *History of the Mahommedan Dynasties in Spain* into English. From 1847 to 1872 he was professor of oriental languages in the University of Madrid. He rendered great assistance to Prescott and other foreign scholars who occupied themselves with the history of Spain. The great work of his life was the continuation of Bergenroth's *Calendar of Letters, Despatches, and State Papers relating to the Negotiations between England and Spain, preserved in the Archives at Simancas and elsewhere*. To this series Gayángos contributed eight volumes (1873-1895), which cover with minute completeness the period from 1525 to 1542. He also prepared the British Museum catalogue of Spanish manuscripts, four volumes (1851-1893). He also made large contributions to Spanish historical literature, more especially the *Memorial Histórico Español* in nineteen volumes, and eight volumes contributed to the *Sociedad de Bibliófilos Españoles*.

Dr. Franz Xaver von Wegele, professor at Würzburg, died on October 16, aged seventy-three. He had been for forty years a professor in the University of Würzburg. His leading book was his excellent and laborious *Geschichte der deutschen Historiographie seit dem Auftreten des Humanismus* (1885). He was also joint editor with Baron Rochus von



Liliencron of the *Allgemeine Deutsche Biographie*, published by the Historical Commission of the Munich Academy.

Dr. John Stoughton, one of the most eminent of the non-conformist divines of England, died on October 24, aged eighty-nine. He was the author of a *History of Religion in England from the Opening of the Long Parliament to the End of the Eighteenth Century*, in six volumes (1867-1882), and of a work of similar title covering the first half of the present century (1884), works marked by learning, breadth of view and catholicity of spirit.

Dr. George Frederick Holmes, who for many years had been professor of history in the University of Virginia, died on November 4. Born in British Guiana in 1820, he was educated at the University of Durham, England, and in 1842 was admitted to the bar of South Carolina. Before his service at Charlottesville he had held professorships at Richmond College and at the College of William and Mary, and had been president of the University of Mississippi. He published little, but was of note as a teacher.

Adolf Ditlev Jørgensen, the eminent Danish historian, died in Copenhagen on October 5. He was for some years keeper of the public records of the kingdom, and was author of many historical works, the latest being his *Peter Griffenfeld*. In the forthcoming co-operative *Danmarks Riges Historia* he was to have written the history of the most modern period.

Sir Peter LePage Renouf, who from 1885 to 1891 was keeper of the Egyptian and Assyrian antiquities in the British Museum, died on October 15, aged 74. In 1879 he published his Hibbert Lectures on *The Religion of Ancient Egypt*. In 1890 he published, with an elaborate introduction, a splendid fac-simile of the Papyrus Ani.

The American Historical Association holds its thirteenth annual meeting at Cleveland on December 28-30. The committee on the programme has wisely arranged for a diminution in the number of papers read and an increase of discussion of practical problems. The extent to which undergraduate students may be trained in the use of sources, the general problem of the teaching of history in schools, the opportunities for American students of history in Europe, the relation of the teaching of economic history to the teaching of political economy, and the work of state and local historical societies, are among the subjects to be taken into consideration in these conferences.

Part X. of the Clarendon Press *Historical Atlas of Modern Europe*, edited by Dr. R. L. Poole, contains a map of Poland and Lithuania before the Union of Lublin in 1569, by R. Nisbet Bain; one of northern France in 1066, by James Tait; and one of Italy in the Lombard period, 568-774, by Professor J. B. Bury. Part XI. gives a map of Europe after the Peace of Westphalia, by C. Oman; one of Hungary, 998-1382,

by Mr. Bain; and one of northern Italy in the fourteenth and fifteenth centuries, by Miss K. D. Ewart. Part XII. contains a map of "Germania Sacra," by the editor, illustrating the ecclesiastical divisions in the Middle Ages; one of Poland after the Union of Lublin, by Mr. Bain, with side-maps showing the results of the partitions of 1793 and 1795; and one of Italy after the Peace of Lodi, 1454, by Miss Ewart, with a small map showing the growth of the Florentine state in the fourteenth and fifteenth centuries. Part XIII. contains a map of Europe in the time of Otto the Great, by the editor; one of Germany under the Hohenstaufen, by the same; and a plate containing several maps showing the growth of the House of Savoy in Italy from 1418 to 1859, by Miss Ewart.

The Society for Promoting Christian Knowledge are issuing a *Historical Church Atlas*, edited by Mr. Edmund M'Clure. It is intended to illustrate the history of eastern and western Christendom until the Reformation, and that of the Anglican Communion until the present day. The atlas contains eighteen colored maps and some fifty sketch maps in the text.

#### ANCIENT HISTORY.

The American Branch of the Egypt Exploration Fund appeals for contributions to be applied to the publication of the Oxyrhynchus papyri, as well as to the conducting of further explorations. All subscribers to the amount of five dollars or more will receive the publications of the Fund. Contributions should be sent to Mr. Francis C. Foster, 59 Temple Street, Boston.

Mr. Bernard P. Grenfell has contributed to the *Archaeological Report of the Egypt Exploration Fund*, 1896-97, an account of the excavations which he and Mr. A. S. Hunt conducted at Behnesa (Oxyrhynchus). The report is published by Mr. Henry Frowde.

The last *Quarterly Statement* of the Palestine Exploration Fund (October) contains the final report on the excavations conducted at Jerusalem by the American archaeologist, Dr. Frederick J. Bliss.

Canon Rawlinson's translation of Herodotus has been issued by Mr. John Murray in a cheaper form, in two small volumes, edited by Mr. A. J. Grant. The appendices have been omitted and the notes abridged.

The Macmillan Co. announce a *History of Greece for High Schools and Academies*, by Dr. George Willis Botsford, instructor in Greek and Roman history in Harvard University. The attempt will be made to present more of the history of Greek civilization than is usual in such manuals.

Noteworthy articles in periodicals: R. Pöhlmann, *Die Anfänge des Sozialismus in Europa* (Historische Zeitschrift, LXXIX. 3); R. Dareste, *Histoire du Droit Privé de la République Athénienne* (Journal des Savants, June, July); A. Bouché-Leclercq, *Le Règne de Seleucus II. Callinicus et*

*la Critique Historique* (Revue des Universités du Midi, July, September); O. Hirschfeld, *Decimus Clodius Albinus* (Historische Zeitschrift, LXXIX. 3); A. Bouché-Leclercq, *L'Astrologie dans le Monde Romain* (Revue Historique, November); P. Aulard, *La Jeunesse de l'Empereur Julien* (Revue des Questions Historiques, October).

#### EARLY CHURCH HISTORY.

The latest issue in the *Texte und Untersuchungen zur Geschichte der altchristlichen Literatur* published by the Prussian Academy's committee on the Fathers is a treatise by Dr. Wilhelm Haller on Jovinianus, in which the fragments of that writer are printed, and his life, sources and doctrines are carefully considered (Leipzig, J. C. Hinrichs, pp. 159).

The Rev. Dr. Benjamin B. Warfield's volume entitled *Two Studies in the History of Doctrine* (New York, Christian Literature Co., pp. 239) consists of an essay on Augustine and the Pelagian controversy, and another on the development of the doctrine of infant salvation.

#### MEDIEVAL HISTORY.

Dr. Felix Dahn makes a beginning of the eighth volume of his *Könige der Germanen* (which bears the sub-title *Die Franken unter den Karolingern*) by printing a preliminary survey of the political history of the Frankish kingdom from 613 to 843 (Leipzig, Breitkopf und Härtel, pp. 108).

Macmillan's series of *Periods of European History* is now nearly completed. The volume for the period 918-1272, by Professor T. F. Tout, of Victoria University, Manchester, has just been issued.

Mr. David Nutt will soon publish an accurate reprint of Caxton's translation of *Reynard the Fox*. It will be prefixed by an exhaustive introduction by Mr. Joseph Jacobs, tracing the intricate literary history of the story.

Professor George L. Burr makes an admirable contribution to the series of *Translations and Reprints from the Original Sources of European History* published by the University of Pennsylvania, by his small but illustrative and well-edited collection on The Witch Persecutions.

#### MODERN EUROPEAN HISTORY.

Messrs. F. Vander Haeghen, R. Vanden Berghe and Th. I. Arnold have begun the publication of an elaborate *Bibliotheca Erasmiانا*; *Bibliographie des Œuvres d'Érasme*. The first part, devoted simply to the *Adagia*, makes a book of 579 pages (Ghent, C. Vyt).

Dr. Anton Pieper has just published the first instalment of an elaborate work dealing with the papal diplomacy of modern times: *Die päpstlichen Legaten und Nuntien in Deutschland, Frankreich und Spanien seit der Mitte des 16. Jahrhunderts*. This first part (Münster, Aschendorff, pp. 218) is occupied with the legates and nuncios of Julius III., Marcellus II. and Paul IV. (1550-1559) and their instructions.

The most recent additions to the Foreign Statesmen Series are Major Martin A. S. Hume's *Philip II.* (Macmillan, pp. 267), well worthy of being read and digested by every student of Prescott and Motley; Mr. Frederic Harrison's *William the Silent* (pp. 260); and Dr. Thomas Hodgkin's *Charles the Great*.

The second volume of Alfred Stern's *Geschichte Europas seit den Verträgen von 1815 bis zum Frankfurter Frieden von 1871* has appeared (Berlin, Besser, pp. 572).

Noteworthy articles in periodicals: C. Mirbt, *Ignatius von Loyola* (*Historische Zeitschrift*, LXXX.1); E. Armstrong, *Venetian Despatches on the Armada and its Results* (*English Historical Review*, October); H. F. Brown, *Paolo Sarpi* (*Scottish Review*, October).

#### GREAT BRITAIN.

The British government has brought out Vol. XVI. (1588) of the *Acts of the Privy Council*, edited by Mr. J. R. Dasent; the *Calendar of the Patent Rolls of Edward IV.*, 1461-1467; *Calendars of State Papers, Domestic*, Charles I., Vol. XXIII., containing addenda extending through the whole reign; *Calendars, Domestic*, Charles II., Vol. XII., 1671-1672; and Appendix V. to the *Fifteenth Report of the Historical Manuscripts Commission*. The latter consists of a calendar of the MSS. of the Right Hon. F. J. Savile Foljambe of Osberton, of which the most important portions are a body of papers illustrating the history of the navy, and an important section of the correspondence between James II. and the Prince of Orange.

In Vol. LII. (Shearman to Smirke) of the *Dictionary of National Biography* there are but three articles of high importance to the student of history: Sheridan, by Mr. Fraser Rae; Algernon Sidney, by Mr. C. H. Firth; and Sir Philip Sidney, by Mr. Sidney Lee.

A part of Dr. F. Liebermann's *Gesetze der Angelsachsen* (Vol. I., Text and Translation, Part I., pp. 191) has been brought out by the Savigny-Stiftung and is published by Niemeyer, of Halle.

Mr. W. G. Searle has prepared an *Onomasticon Anglo-Saxonicum*, or list of Anglo-Saxon proper names from the time of Bede to that of King John, which is published by the Cambridge University Press.

Mr. Gwenogvryn Evans, of Oxford, will soon issue several interesting volumes of old Welsh texts, including an autotype fac-simile of the oldest Welsh manuscript (*circa* 1200) of the Laws of Howel Dha, and another of the oldest Latin manuscript (*circa* 1180) of these laws. They will be accompanied by a print of the text and an English translation. An autotype fac-simile of the book of Taliesin will soon follow.

The first edition of Mr. Andrew Tuer's *History of the Horn-Book* having run out of print, a popular one-volume edition is now announced by the publishers, the Leadenhall Press.

An elaborate *History of Renaissance Architecture in England, 1500-*

1800, by Mr. Reginald Bloomfield, of Exeter College, Oxford, is published by the Macmillan Co. (two vols., pp. 431). There is a great abundance of illustrations, nearly two hundred and fifty, mostly from drawings by the author.

Messrs. Longmans' series of "Builders of Greater Britain" is begun by the publication of Major Martin A. S. Hume's *Sir Walter Raleigh and the British Dominion of the West* (pp. 431).

Mr. J. H. Hessels has brought out (Cambridge University Press) the third volume of his *Archivum Londino-Batavae Ecclesiae*, published at the expense of the authorities of the Dutch church in London.

The Scottish History Society have in preparation the first volume of *The Papers relating to the Scots Brigade at the Hague*, and the first volume of *The Montreuil Correspondence*, eighty letters written from Edinburgh in 1647 and 1648.

In the spring Messrs. Goupil and Company will publish *Charles I.* by the late Sir John Skelton. The work was finished and revised before the death of the author. The book will have elaborate illustrations, especially from the royal collections in Windsor and Buckingham palaces.

Mrs. Dorothea Townshend has published an interesting little memoir entitled *Life and Letters of Mr. Endymion Porter, sometime Gentleman of the Bed-chamber to King Charles I.* (London, Fisher Unwin, pp. 260.)

Mr. Samuel Rawson Gardiner has agreed to edit for the Navy Records Society the state papers, Dutch and English, relating to the Dutch wars of the Commonwealth.

A life of Sir George Savile, first marquis of Halifax, is announced for publication by Messrs. Longmans, Green and Co.

The Duke of Buccleuch has placed at the disposal of Sir William Fraser the historical documents at Drumlanrig Castle, containing the correspondence of the first Duke of Queensberry when commissioner to the Scottish Parliament in 1685.

A book which should have a certain interest for American readers is Mr. G. Williams's *History of Liverpool Privateers and Letters of Marque, and Account of the Liverpool Slave Trade* (London, Heinemann, pp. 734).

The Earl of Camperdown has been for some time engaged upon a life of the first earl, Admiral Duncan, which is now on the point of publication.

A select bibliography of the battle of Trafalgar is published in *Literature* for October 23.

Mr. Stuart Reid is writing a biography of the first Earl of Durham, expected to throw much new light on the policy of Lord Durham during his mission to Canada in 1838. Important manuscript materials written by Lady Durham and by Charles Buller have been placed at the disposal of Mr. Reid.

The biography of Henry Reeve, who for nearly half a century held an important post in the Privy Council Office, and who was for many years editor of the *Edinburgh Review*, is announced for publication, and should contain much material of importance relating especially to the political history of the period from 1840 to 1865.

Noteworthy articles in periodicals: F. W. Maitland, *Canon Law in England; William of Drogheda and the Universal Ordinary* (English Historical Review, October); J. R. Tanner, *The Administration of the Navy from the Restoration to the Revolution*, II. (English Historical Review, October); J. H. Rose, *The Unstamped Press, 1815-1836* (ibid.).

#### FRANCE.

Since by the official statement the Bibliothèque Nationale on the first of January, 1897, contained 468,000 volumes of history, of which 279,000 were of French history, it cannot be out of place for a historical journal to take notice of the bibliographical fact that the first volume of the *Catalogue Général du Département des Imprimés* has at length been published.

Professor George B. Adams's *The Growth of the French Nation* is henceforward to be published by the Macmillan Co.

The Société de l'Histoire de France has published the ninth volume of M. A. de Ruble's edition of the *Histoire Universelle* of Agrippa d'Aubigné, the tenth volume of M. G. Raynaud's edition of Froissart (in which he has succeeded M. Siméon Luce), and the twelfth volume of M. Ludovic Lalanne's *Brantôme*, containing the editor's general account of Brantôme's life and writings.

A series of *Extraits des Historiens Français du XIX<sup>e</sup> Siècle*, with an introduction on the history of France and with notes, by M. Camille Julian, is published by Hachette (pp. cxxviii, 684).

M. Maurice Prou's *La Gaule Mérovingienne* (Paris, May) is an unpretending book, intended for popular use, but written with full knowledge by a specialist, and containing much that is the result of original investigations.

A reign which has been but very little known and, it seems, largely misunderstood, that of Philip V., has been made by M. Paul Lehugeur the subject of a thorough and intelligent investigation. The first volume of his *Histoire de Philippe le Long* (Paris, Hachette) deals with the external aspects of the reign, the relations of the Crown to foreign powers and to the chief forces within the state. The second will describe the internal administration.

The latest addition to the list of publications resulting from the opening of the Vatican archives is a series of *Documents Pontificaux* relating to the province of Gascony. The enterprise is undertaken by the Société des Archives Historiques de la Gascogne, and is largely subsidized by the archbishops and bishops of old Gascony. A beginning is made with the pontificate of John XXII., himself a Cahorsin. The first volume, edited by Abbé L. Guérard, extends from 1316 to 1322.



The municipal archives of Bordeaux were almost entirely destroyed by fire in 1862. But a vast body of extracts from the registers of its *jurade*, extending from 1540 to 1783, had been accumulated by the archivists in the last century, and these were preserved. The city has now entered on the task of publishing them in ten or a dozen volumes, under the editorial care of M. Dast Le Vacher de Boisville, *Inventaire Sommaire des Régistres de la Jurade, de 1540 à 1783* (Bordeaux, Gounouilhoul). The mayor of Montpellier and the dean of its university, MM. Berthelé and Castets, are acting as joint editors of an analytical inventory of the archives of that city which the municipality has begun to publish. The city's archives contain many of the papers of the Estates of Languedoc, anciently deposited there.

M. F. Aulard has published the tenth volume of his *Recueil des Actes du Comité de Salut Public* (January 1–February 8, 1794) and Vol. VI. of his documents of the Jacobins, March–November, 1794, completing the work.

M. Frédéric Masson has brought out (Paris, Borel) a volume entitled *Marie Walewska*, in which are published a number of the letters written by Napoleon I. to the Countess Walewska.

The Duke de Broglie has published a volume of historical essays entitled *Histoire et Politique* (Paris, Calmann Lévy). Noteworthy among them are one on the formation of the constitution of 1875, one which reviews the conduct of the Third Republic, especially in the matter of diplomacy, and one on 1815, a criticism of M. H. Houssaye's book on that year.

During the present month MM. Plon, Nourrit and Co. will publish a memoir of the Duke of Aumâle, by M. Ernest Daudet.

Madame Darmesteter (A. Mary F. Robinson) has published a small but important volume entitled *The Life of Ernest Renan* (London, Methuen, pp. 290), with whom she and her husband enjoyed long continued intimacy.

Noteworthy articles in periodicals: Comte L. Rioult de Neuville, *Le Duc de Richelieu et les premières Années de la Restauration* (*Revue des Questions Historiques*, October); Marquis de Gabriac, *Chateaubriand Ministre des Affaires Étrangères* (*Revue des Deux Mondes*, October 1, November 1).

#### ITALY, SPAIN.

The publisher F. Vallardi, of Milan, has begun the issue, in parts, of a comprehensive and elaborate *Storia Politica d'Italia*. The pre-Roman period will be treated by Professor Ed. Brizio, Roman history by Professor Francesco Bertolini, and later portions by Messrs. Gianani, Romano, Orsi, Callegari, Franchetti, de Castro and Giovagnoli.

The corporation formed to take charge of the Casa Buonarroti at Florence, a house which belonged to Michelangelo, and which his

descendants had made a museum and archive of material relating to him, have now resolved to print the collection of 800 letters, written to and by Michelangelo, contained in the house. The Commendatore G. Biagi, prefect of the Laurentian library, is to edit the letters, which extend from 1506 to 1564, and are reported to be of much importance.

Ludwig Pastor's treatment of Savonarola in the third volume of his *Geschichte der Päpste* is the subject of a critical monograph by Signor Paolo Luotto, entitled *Il Vero Savonarola ed il Savonarola di L. Pastor* (Florence, Le Monnier).

*L'Italia degli Italiani*, the important history of Italy from 1849 to 1870, by Carlo Tivaroni, is now completed by the publication of the third volume (Turin: Roux, Frassati and Co.), in which the author brings his narrative down to the acquisition of Rome, and adds biographies of the chief men of the period.

Under the title *Autobiografia di un Veterano*, the house of Zanichelli, at Bologna, have published the first volume of the historical memoirs of General Enrico Della Rocca, extending from 1807 to 1859 (pp. 500). These memoirs, dictated by General Della Rocca at the age of 86 years, convey an exceedingly interesting picture of Charles Albert and of the earlier days of Victor Emmanuel. Della Rocca began his career at the age of nine, as a page of Charles Albert, and was closely associated with both monarchs. The second and final volume of the memoirs will be published within a year.

A volume of reminiscences by Madame Julia White Mario, dealing with the period of the revolutionary movement in Italy, is announced for publication by Messrs. Fisher Unwin, of London.

The third volume of Signor Luigi Chiala's *Pagine di Storia Contemporanea* is now presented in a new and enlarged edition, containing four additional chapters, dealing with the first period of the Triple Alliance, its renewals in 1887 and 1891, and, lastly, the Triple Alliance face to face with the Dual Alliance, 1891-1897 (Turin: Roux, Frassati and Co., pp. 738).

Mr. H. Butler Clarke's *The Cid Campeador and the Waning of the Crescent in the West*, in the series of "Heroes of the Nations" (Putnam's), represents the endeavor of an accomplished English scholar, long resident upon the edge of Spain, to present the historical facts relating to the Cid in a correct manner after critical investigation.

#### GERMANY, AUSTRIA, SWITZERLAND.

A Historical Commission for Hesse and Waldeck has been established at Marburg. Among the publications which it contemplates are: the registers of the landgraves of Hesse down to Philip the Magnanimous, the chronicles of Hesse and Waldeck from the fourteenth to the sixteenth century, the acts of the provincial Estates of Hesse, a cartulary of Fulda, etc.

The latest addition to the quarto *Monumenta Germaniae Historica* is a new part of Boretius and Krause's *Capitularia Regum Francorum*, tomi II. pars 3 (pp. 471-726).

The Historical Commission connected with the Munich Academy has added to the series of *Jahrbücher der deutschen Geschichte* its second volume for Frederick II., embracing the years 1228-1233 (Leipzig, Duncker und Humblot, pp. 529).

In their *Bibliothek deutscher Geschichte* the firm of J. G. Cotta, of Stuttgart, have completed the first volume of *Deutsche Geschichte im Zeitalter der Hohenstaufen*, by Drs. J. Jastrow and J. Winter, and the first volume of Dr. Hans von Zwiedineck-Südenhorst's *Deutsche Geschichte von der Auflösung des alten bis zur Errichtung des neuen Kaiserreiches*. The former (pp. 644) extends from 1125 to 1190, the latter (pp. 623) from 1806 to 1815.

Both family and court, administration and politics are treated in Dr. Hans Prutz's *Aus des Grossen Kurfürsten letzten Jahren* (Berlin, G. Reimer, pp. 410.)

The first number of the *Quellen und Forschungen aus italienischen Archiven und Bibliotheken*, published by the Prussian Historical Institute in Rome (Rome, E. Loescher, pp. 164), contains articles on the papal household at Avignon, by I. Haller, on Felician Ninguarda's reformatory endeavors in Bavaria and Austria, 1572-1577, by K. Schellhass, on the Prussian court in 1797, according to a Spanish envoy there, by G. Kupke, and a despatch of Aleanders, 1520.

Theodor von Bernhardt's diaries for the years 1866 and 1867 have been published at Leipzig by S. Hirzel under the title *Der Krieg 1866 gegen Oesterreich und seine unmittelbaren Folgen*.

*Moltke's Militärische Correspondenz* is now completed by the publication of the third volume, covering the period from the suspension of hostilities in the spring of 1871 to the final evacuation of French territory in the autumn of 1873 (Berlin, R. Mittler und Sohn). General von Verdy du Vernois's account of the same war, translated from the German, has been printed as the first volume of the Wolseley Series, *With the Royal Headquarters in 1870-'71* (London, Kegan Paul, pp. 284).

Johannes Penzler is bringing out in a series of five considerable volumes a work entitled *Fürst Bismarck nach seine Entlassung* (Leipzig, Fiedler), which follows closely the diary kept by the prince at Friedrichsruhe, and has practically the value of an autobiography. Three volumes have now appeared (Leipzig, W. Fiedler), extending to the middle of the year 1892.

The life of the Archduke Albert, who died in 1895, has been written by Karl von Duncker (Vienna, F. Tempsky), who has had access to the unpublished writings and letters of the archduke and the military records of the empire.

M. Émile Rivoire has published, as Vols. XXVI. and XXVII. of the *Mémoires et Documents* of the Société d'Histoire et d'Archéologie of Geneva, a *Bibliographie Historique de Genève au XVIII<sup>e</sup> Siècle* (Geneva, Jullien, two vols., pp. 586, 509). The work is, it will be seen, one of unusual completeness, and it is clear in plan and excellent in execution.

Noteworthy articles in periodicals: E. Brandenburg, *Der Regensburger Vertrag zwischen den Habsburgern und Moritz von Sachsen, 1546* (*Historische Zeitschrift*, LXXX. 1); H. Grimm, *Ernst Curtius und Heinrich von Treitschke* (*Cosmopolis*, October); J. W. Headlam, *Heinrich von Treitschke* (*English Historical Review*, October); G. Blondel, *Le Congrès des Historiens Allemands à Innsbruck et la Science d'Histoire en Allemagne* (*Revue Historique*, November).

#### NETHERLANDS.

The firm of Frederik Muller and Co., of Amsterdam, intend to issue during this year, in photolithographic fac-simile, Abel Tasman's journal of his expedition of 1642-1643, in which he discovered Van Diemen's Land and New Zealand. It will be accompanied by an English translation of the journal and of the Dutch East India Company's instructions for this voyage and for that of 1644, in which Tasman made a partial exploration of Australia, and by an exhaustive study of his life and labors by Dr. J. E. Heeres. Tasman's fifty-three drawings and charts will be included in the fac-simile, and the volume will make an elaborate folio of about 425 pages.

The Historisch Genootschap at Utrecht has published the first volume of the papers of Hans Bontemantel, burgomaster of Amsterdam to 1672, edited by Mr. Kernkamp, a contribution of much importance to the history of the Republic and its internal conflicts.

R. Friese, of Leipzig, is the publisher of an important work by Oskar Nachod on *Die Beziehungen der niederländischen ostindischen Kompagnie zu Japan im 17. Jahrhundert* (pp. 444, ccxlv).

#### NORTHERN AND EASTERN EUROPE.

Two new instalments of Oxenstierna's papers, *Rikskansleren Axel Oxenstiernas Skrifter och Brefväxling*, have lately been brought out (Stockholm, Norstedt, pp. 803, 791), the second volume of the first division, the chancellor's own letters from 1606 to 1624, and the eighth volume of the second division, comprising letters to him from Horn, Torstensen and Wrangel.

The Russian journal, *Istorich. Viestnik*, for March contains an article by V. Timiriazev on the Czar Alexander I. as an arbiter in international disputes, with especial reference to the attempted mediation between the United States and Great Britain during the War of 1812.

#### AMERICA.

The first report of the Historical Manuscripts Commission will appear, probably in the present month, as a part of the *Annual Report* of the

American Historical Association. In their second report, beside certain papers already mentioned, they expect to present, for most of the colonies, a list of the sessions of the legislatures, extending down to 1800, with indications of the extant printed or manuscript journals of the lower houses for those sessions. Professor Turner will edit for the volume the correspondence of Mangourit, French consul at Charleston during the Genet troubles, a correspondence which will cast much light on the expedition of Elijah Clark. It is also intended that this second volume shall contain a part of the data obtained by means of the Commission's circulars and inquiries.

Dr. Leonard W. Bacon's *History of American Christianity* (New York, the Christian Literature Co., pp. 429), coming as a conclusion to the American Church History Series, is intended as a summary of the whole field which that series has treated by means of monographs relating the history of the individual denominations.

The *Nation* of November 11 and 18 contains interesting lists of documents relating to American history among the Rawlinson MSS. in the Bodleian Library at Oxford.

Mr. Thomas Whittaker has printed a new edition (the seventh) of Dr. McConnell's *History of the American Episcopal Church*, in which the narrative is brought down to the present time.

The *Report of the Commissioner of Education* for 1895-1896, Vol. I., contains two somewhat commonplace chapters on the common school in the Middle and Southern states respectively, during the period 1790-1840, by Rev. A. D. Mayo, and a chapter on early educational life in middle Georgia, diffuse but entertaining, by Mr. Richard Malcolm Johnston.

Mr. G. P. Humphrey, of Rochester, in his *American Colonial Tracts* follows the order of Force's *Tracts*. His latest reprints, Nos. 7, 8 and 9, are the New Life of Virginia, 1612; The Beginning, Progress and Conclusion of Bacon's Rebellion, by "T. M."; and Mrs. Cotton's Account of the same troubles.

The American Economic Association has published a reprint of Dr. William Douglass's *Discourse Concerning the Currencies of the British Plantations in America*, 1740. The reprint of this important tract is edited by Dr. Charles J. Bullock, instructor in Cornell University, who, beside annotations, supplies a life of the author and a list of his writings.

Burke's speech on *Conciliation with America* has been published for school use by Messrs. Ginn and Co., with an introduction and notes by Professor Hammond Lamont, of Brown University, and by Messrs. Silver, Burdett and Co., of Boston, with an introduction and notes by Mr. Francis R. Lane.

Professor William McDonald, of Bowdoin College, has in press a comprehensive volume of *Select Documents Illustrative of the History of the United States, 1776-1861*. The selections number about ninety. They

are given either in full or in significant extracts, and follow official or otherwise authoritative texts. Each document is prefaced by a brief introduction and a select bibliography.

*The Life and Letters of Thomas Kilby Smith*, brevet major-general of United States volunteers (1820-1887), by his son, Walter George Smith, has just been published by Messrs. Putnam. General Smith was in almost constant service during the war, and was afterward consul at Panama.

The interest of Mr. Henry Laurens Clinton's *Celebrated Trials* (Harper, pp. 626) is not confined to the legal profession, for among the trials in which he has been engaged, and of which he here gives a history, were the trial of W. M. Tweed in 1873, that of the case of John Kelly against Mayor Havemeyer, and that of Richard Croker for the murder of John McKenna in 1874.

The last publication of the Prince Society consists of two volumes by the Rev. Dr. Edmund F. Slafter, entitled *John Checkley or the Evolution of Religious Tolerance in Massachusetts* (Boston, the Society, two vols., pp. 288, 320). Checkley's career as a persecuted Episcopalian bookseller in Boston, and as a clergyman in Providence, R. I., is narrated with scholarly care. Vol. II. contains a "Bibliography of the Controversy in America relating to Episcopacy, 1719 to 1774."

*The Life and Work of Frederic Thomas Greenhalge, Governor of Massachusetts*, by James E. Smith (Boston, Robert Brothers), in describing a political character and career of more than ordinary interest, also affords glimpses into the political history of years more recent than those into which political biography is usually brought down.

Vol. XIII. of *The Early Records of the Town of Providence*, a thin volume of 83 pages, contains the records of town meetings from 1716 to 1725.

*A History of the Town of East Hampton, N. Y.*, one of the most interesting of the Long Island towns, by Henry P. Hedges, is for sale by Edward N. Nash, New York (pp. 344). The volume contains a reprint of the address delivered at the bi-centennial anniversary in 1849, introductions to the four printed volumes of the records of the town, and other historical and genealogical matter.

Mr. Francis P. Harper has recently issued *Early Long Island Wills of Suffolk County, 1691-1703*, from the records of the prerogative court of that county, with genealogical and historical notes by William S. Pelleureau (pp. 301). The edition is limited.

The legislature of New Jersey, at its last session, passed an act providing for the appointment of a Public Records Commission. The governor has appointed Mr. William Nelson, Gen. W. S. Stryker and Mr. Henry S. Haines, the first named being chairman.

*The Parish Register of Christ Church, Middlesex County, Virginia*, has been published by the Society of the Colonial Dames of America in that state (Richmond, W. E. Jones, pp. 341).



Mr. Thomas M. Owen, of Carrollton, Alabama, has in preparation a *History of Granville County*, North Carolina, 1746-1800, including much documentary matter.

Hon. Clement Dowd has published a *Life of Zebulon B. Vance, the War Governor of North Carolina* (Charlotte, Observer Printing House, pp. 493).

Gen. Edward McCrady's *History of South Carolina under the Proprietary Government, 1670-1719*, the first section of his long-expected work, has just been published by the Macmillan Co.

The Charleston Year-Book for 1896 contains a historical sketch of St. Philip's Church, by Gen. Edward McCrady, and extracts from the diary of Rev. Oliver Hart, 1740-1780 (Charleston, Lucas and Richardson).

An elaborate history of Edgefield County, S. C., has been printed by Mr. John A. Chapman (Newberry, Elbert H. Aull, pp. 521).

Mr. Edmond Mallet has given an English form to those investigations concerning the Sieur de Vincennes, of which we spoke on p. 786 of our last volume. His work now appears as Number 2 of the third volume of the Indiana Historical Society Publications, with the title *Sieur de Vincennes, the Founder of Indiana's Oldest Town* (Indianapolis, Bowen-Merrill Co., pp. 62).

The latest publication by the Filson Club is Col. Bennett H. Young's *History of the Battle of Blue Licks* (Louisville, John P. Morton and Co., pp. 101).

The most recent publication by the Missouri Historical Society, No. 14, is an account of *The Beginnings of Ecclesiastical Jurisdiction in the Archdiocese of St. Louis*, by Rev. J. J. Conway, S. J.

Noteworthy articles in periodicals: H. HARRISSE, *Sebastien Cabot, Pilote major d'Espagne, considéré comme Cartographe* (Revue de Géographie, June); R. C. H. CATTERALL, *The Issues of the Second Bank of the United States* (Journal of Political Economy, September); W. A. DUNNING, *Military Government in the South* (Political Science Quarterly, September).

We find that the pamphlet entitled *The People the Best Governors*, upon which Dr. Harry A. Cushing based an article printed in this journal, Vol. I., pp. 284 to 287, using a copy in the library of the Connecticut Historical Society which he supposed to be unique, was printed in Mr. Frederick Chase's *History of Dartmouth College*, Vol. I. (1891), from a copy which Professor Lord, the editor of that volume, supposed to be unique. Readers of Mr. Cushing's valued article may like to know of a place in which a complete text of the pamphlet can be found.